II. Political and Security Questions

A. THE QUESTION OF KOREA[1]

This chapter deals with: (1) reports of the United Nations Command in Korea submitted under the Security Council resolution of 7 July 1950;[2] as well as a special report to the General Assembly on the status of armistice negotiations (A/1882); (2) other communications relating to the Korean question; (3) the report (A/2187) of the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK); (4) consideration by the General Assembly of the Korean question at the first part of its seventh session in 1952; (5) discussion at that session of the item "Complaint of mass murder of Korean and Chinese prisoners of war by the United States military authorities on the island of Pongam"; and (6) the report (A/2222 and Add.l and 2) of the Agent-General of the United Nations Korean Reconstruction Agency (UNKRA).

Consideration of the Korean question had not been completed when the General Assembly recessed the first part of its seventh session on 22 December.

1. United Nations Command Reports[3]

Reports of the United Nations Command operations in Korea were submitted by the representative of the United States to the Security Council, in accordance with the Security Council resolution (S/1588) of 7 July 1950. The following information on the progress of truce negotiations and of operations is taken from the reports.

a. TRUCE NEGOTIATIONS

At the beginning of 1952, truce negotiations between the United Nations Command and the Chinese-North Korean Command centered in the following three agenda items: item 3, "Concrete arrangements for the realization of a cease-fire and an armistice in Korea"; item 4, "Arrangements relating to prisoners of war"; and item 5, "Recommendations to the governments concerned."

Towards the close of 1951 agreement had been reached on the following points under agenda item 3: cessation of hostilities within 24 hours after the signing of the armistice agreement; withdrawal of armed forces from the demilitarized zone; and withdrawal of armed forces from coastal islands and territories controlled by the other side. Earlier—in November 1951—full agreement had been reached on item 2, relating to the demarcation line.

On 19 February 1952, agreement was reached on agenda item 5 concerning recommendations to governments. Initially the Chinese-North Korean side had proposed a political conference covering the whole range of Far Eastern problems to be held three months after the armistice agreement became effective. They proposed that the following matters be discussed at that conference: (1) withdrawal of all foreign forces from Korea; (2) peaceful settlement of the Korean question and other related questions. The United Nations Command delegation pointed out that it was a military negotiating team without authority to deal with political matters. It was, however, prepared to make procedural recommendations concerning a political conference to deal exclusively with Korean political problems upon the conclusion of an armistice. It could not consider recommending a discussion of matters not directly concerned with Korea.

The United Nations Command delegation accepted a revised Chinese-North Korean proposal recommending that within three months after the armistice became effective "a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiations the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, et

[1] For map of Korea, see p. 213.

[2] See Y.U.N., 1950, p. 230.

[3] Reports Nos. 37 to 60 of the United Nations Command operations in Korea: S/2550, S/2593 & Corr.1, S/2605, S/2619, S/2629, S/2662, S/2700, S/2715, S/2768, S/2774, S/2789, S/2805, S/2836, S/2837, S/2897, S/2898, S/2920, S/2970, S/2970-S/2972, S/2972, S/2982.

cetera". In agreeing to this recommendation, the United Nations Command representative made the following statement for the record concerning the understanding of this proposal by the United Nations Command:

"First, we desire to point out that this recommendation will be made by the Commander-in-Chief, United Nations Command, to the United Nations as well as to the Republic of Korea. Second, in accepting the term Foreign Forces we are doing so on the basis of your statement that this term means non-Korean Forces, and third, we wish it clearly understood that we do not construe the word et cetera to relate to matters outside of Korea."

On agenda item 3, the following were the main points at issue between the two delegations:

(1) The United Nations Command delegation wanted the broadest possible access to all parts of Korea to assure against the increase of military strength. It offered corresponding facilities to the Chinese-North Korean side. The Chinese-North Korean side wanted to limit inspection claiming that it would be unwarranted interference in the affairs of North Korea.

(2) The United Nations Command proposed a prohibition applicable to both sides on the construction of new military airfields and a ceiling on the number of civilian airfields to be rehabilitated. The Chinese-North Korean side held that the provision would constitute an abridgment of sovereignty and insisted on unlimited airfield construction.

(3) The United Nations Command proposed a provision for the rotation of 40,000 persons per month in order to enable their personnel to be withdrawn from Korea when their tour of duty was completed. The Chinese-North Korean side insisted on a rotation figure of 30,000.

(4) The United Nations Command initially proposed that inspection regarding adherence to the terms of the armistice agreement relative to reinforcement should be carried on by joint teams of both sides. It accepted in principle, however, the proposal of the Chinese-North Korean side for the inspection to be carried out by a Neutral Nations Supervisory Commission. But the United Nations Command did not accept the Chinese-North Korean proposal that the USSR be accepted as one of the neutral nations.

By March 1952 agreement was reached on the following points:

(1) Inspection teams would be stationed at five ports of entry on each side and there would be ten mobile teams to investigate reported violations. The ports of entry agreed upon were:

Territory under the military control of the United Nations Command	Territory under the military control of Korean People's Army and the Chinese People's Volunteers
Inchon	Sinuiju
Taegu	Chongjin
Pusan	Hungnam
Kangnung	Manpo
Kunsan	Sinanju

(2) Both sides would cease, after the signing of the armistice, the introduction into Korea of reinforcing military personnel. However, the rotation of 35,000 military personnel a month would be permitted. Rotation personnel were to enter Korea only through designated ports of entry, under the supervision and inspection of the teams of the Neutral Nations Supervisory Commission.

No agreement was reached, however, on airfield construction and the composition of a neutral supervisory organization. On 25 February, the United Nations Command stated, in an effort to break the deadlock on this issue, it proposed four neutral nations—Sweden and Switzerland on the United Nations Command side and Poland and Czechoslovakia on the Chinese-North Korean side.

Discussion on the item relating to the exchange of prisoners of war began early in 1952, when the United Nations Command proposed that after the signing of the armistice all prisoners of war would be released, including soldiers of one side who had been impressed into the armed forces of the other side. As regards repatriation, the proposal permitted freedom of choice to the individual, ensuring that no duress or force would be used to influence him. The proposal provided for repatriation of prisoners of war, displaced persons and refugees. Finally, the United Nations Command said, its proposal provided for a supervisory organ, the International Committee of the Red Cross, to interview all prisoners of war, to ensure that, whatever their choice, it would be made "freely and without fear".

The Chinese-North Korean delegation, the United Nations Command stated, rejected these proposals, accusing the United Nations Command of attempting to keep prisoners of war in slavery, to hold them as hostages and to prevent the civilian population in the United Nations Command zone from being repatriated. At the same time, this delegation argued the right of an impressed soldier of the Republic of Korea Army to remain in the Chinese-North Korean forces.

The United Nations Command report (S/2593) covering the period 16 to 31 January stated that, with the gradual development of the discussion, the Chinese-North Korean representatives maintained an adamant position that the individual prisoner of war must be repatriated after an armistice, irrespective of his choice.

They insisted that the plain wording of the Geneva Convention supported their view. Without admitting it openly, the report said, they im-

plied that the Geneva Convention was designed to protect the State rather than the individual.

In subsequent discussions, although the issue of voluntary repatriation remained unsolved, agreement was reached on the following points:

(1) Prisoners of war, when released from custody, would not again be employed in acts of war in the Korean conflict.

(2) Sick and injured prisoners would be repatriated first.

(3) The exchange of prisoners of war would be completed within two months.

(4) A committee of Chinese-North Korean Command and United Nations Command officers would supervise the exchange of prisoners of war.

(5) This committee would be assisted by joint Red Cross teams composed of representatives of United Nations Red Cross societies and Chinese-North Korean Red Cross societies.

(6) Korean civilians would be permitted to return to their homes on either side of the demarcation line.

(7) Foreign civilians would be permitted to return to their homes.

At the suggestion of the United Nations Command, the armistice negotiations went into secret session on 25 March when, the United Nations Command stated, it made its position on forced repatriation unmistakably clear. The Chinese-North Korean delegation indicated its willingness to negotiate but on condition that the United Nations Command would provide an estimate of the total number of persons the Chinese-North Koreans would expect to have returned to their side. The United Nations Command stated that, since no poll of the individual preferences had been taken, there was no basis for any reliable estimate of the number available for return. However, it reported, Chinese-North Korean insistence on a round figure compelled the United Nations Command to initiate a screening programme for all persons held in custody in the camps at Koje-Do and Pusan.

It gave the following account of the screening process:

During a 24-hour period prior to the screening, North Korean and Chinese Communist prisoners of war of each compound on Koje-Do were carefully informed of the fact that they would be interviewed for the purpose of determining whether or not they would forcibly oppose repatriation. The prisoners were briefed not only on the importance of this decision, which was to be final, but on the fact that for their own safety they should not discuss the matter with others or make known their decision before the individual interviews were held.

The interviews were conducted by unarmed United Nations Command personnel near the entrance to each compound. Each prisoner, carrying his personal possessions, was called forward individually and interviewed in private. Highly qualified personnel, it was stated, conducted the interrogations.

The series of questions used in the interview, the report said, was designed to encourage a maximum number of prisoners to return to the Chinese-North Korean side, not to oppose such return. The first question was designed to identify those who clearly desired to return. In the case of Chinese prisoners, the first question was: "Would you like to return to China?" In the case of North Koreans, the first question was: "Would you like to return to North Korea?" If the answer was in the affirmative, the prisoner was listed for repatriation without further questioning. Those who replied in the negative were subjected to additional questions designed to determine whether their opposition was nominal or whether they would violently oppose repatriation, the report said. The second question was: "Would you forsibly resist repatriation?" If the answer was "No" the prisoner of war was listed for repatriation. If the answer was "Yes" the prisoner of war was asked four additional questions to determine fully his attitude. These were: "Have you carefully considered the important effect of your decision upon your family?" "Do you realize that you may stay in Koje-Do for a long time—even after those who choose repatriation have already returned home?" "Do you understand that the United Nations Command has never promised to send you to any certain place?" "Do you still insist on forcibly resisting repatriation?" And, finally, "Despite your decision, if the United Nations Command should repatriate you, what would you do?" The prisoner was listed for repatriation unless during the questioning he mentioned suicide, fight to death, braving death to escape, or similar intentions. As a result of these procedures, all prisoners of war were included among those to be repatriated except those whose opposition to return was so strong that they would attempt to destroy themselves rather than return to Communist control.

Prisoners of war and civilian internees in custody at the hospital compound in Pusan were screened under a similar procedure.

As a result of the screening, in which prisoners of war and civilian internees were interviewed

to ascertain their decisions, it was estimated that approximately 70,000 prisoners of war and civilian internees would remain on Koje-Do to await repatriation to the Chinese-North Korean authorities following an armistice. This was the number reported to the Chinese-North Korean side.

Following the refusal of the Chinese-North Korean delegation to an exchange of prisoners of war on the basis of the results of the screening, the United Nations Command, on 28 April, offered a proposal covering the remaining differences on the arrangements for supervising the armistice, namely, rehabilitation and construction of airfields, the composition of the Neutral Nations Supervisory Commission and the question of repatriation of prisoners of war. The proposals were:

(1) There would be no forced repatriation of prisoners of war.

(2) The United Nations Command would not insist on prohibiting rehabilitation and construction of airfields.

(3) The United Nations Command would agree to accept Poland and Czechoslovakia as members of the Neutral Nations Supervisory Commission if the Chinese-North Korean side agreed to accept Sweden and Switzerland (thus withdrawing their demand for the inclusion of the Soviet Union).

The United Nations Command reported that, in making this proposal, it made it clear that the proposal must be accepted as a whole. The Chinese-North Korean delegation accepted the second and third points but rejected the first which, according to the United Nations Command, constituted a rejection of the proposal. However, the United Nations Command held the proposal open.

On 6 July the Chinese-North Korean delegation stated that if, after rechecking and reclassifying lists of prisoners, the United Nations Command lists contained a reasonable total, including 20,000 Chinese prisoners, the question of exchanging prisoners of war would be settled. They further stated, the United Nations Command report said, that they considered a figure in the neighbourhood of 110,000 prisoners as a reasonable total for the United Nations Command to submit.

By this time, the complete results of the United Nations Command screening had become available. These figures totalled 83,000 prisoners, who would not oppose repatriation, including approximately 6,400 Chinese prisoners.

On 13 July the United Nations Command presented this new figure of 83,000. On 18 July the Communist side rejected this figure and restated its position of 6 July, but with the increased demand for 116,000 prisoners, including 20,000 Chinese People's Volunteers.

On 28 September 1952, at a meeting of the main armistice delegations, the United Nations Command delegation reviewed the proposals that it had offered for a solution of the prisoners of war question. These were as follows:

(1) On 23 April the United Nations Command had proposed that joint Red Cross teams from both sides, with or without military observers of both sides, be admitted to the prisoner-of-war camps of both sides to verify the fact that non-repatriates would forcibly resist return to the side from which they came.

(2) At the same time it had proposed that all prisoners of war of both sides be delivered in groups to the demilitarized zone and be given an opportunity to express their preference on repatriation. The verification was to be carried out by one or a combination of the following: the the International Committee of the Red Cross, teams from impartial nations, joint teams of military observers or Red Cross representatives from each side.

The same day the United Nations Command also made the following proposals:

"1. Both sides would agree that as soon as the armistice agreement goes into effect all prisoners of war of each side shall be entitled to release and repatriation, both sides agreeing that the obligation to exchange and repatriate prisoners of war is fulfilled by having them brought to an agreed exchange point in the demilitarized zone where the prisoner of war will be identified and his name checked against the agreed list of prisoners of war. However, both sides would agree that any prisoner of war who at the time of his identification states that he wishes to return to the side by which he had been detained shall immediately be permitted to do so and that that side will transport him from the demilitarized zone and not detain him as a prisoner of war but permit him to regain civilian status.

"2. Prisoners not resisting repatriation would be expeditiously exchanged. All prisoners of war who have indicated to the United Nations Command that they would forcibly resist repatriation will be delivered to the demilitarized zone in small groups where they will be entirely freed from the military control of either side and interviewed by representatives of mutually agreed country or countries not participating in the Korean hostilities and free to go to the side of their choice as indicated by those interviews.

"3. Prisoners not resisting repatriation would be expeditiously exchanged. Prisoners of war who have indicated to the United Nations Command that they will forcibly resist repatriation will be delivered in groups

to the demilitarized zone and there entirely freed from the military control of either side and without questioning, interviewing or screening of any kind to be released and free to go to the side of their choice."

The United Nations Command delegation stated that it had also made it clear that the procedures contained in the three proposals could be carried out in the presence of, or under the observation of, one or a combination of (1) the International Committee of the Red Cross, (2) joint Red Cross teams, or (3) joint teams of military observers of both sides.

The reports (S/2898 and S/2920) for October referred to a Communist proposal of 8 and 16 October, according to which all Chinese prisoners and United Nations personnel must be repatriated. Captured personnel of the North Korean Army whose homes were in North Korea must also be repatriated, while those whose homes were in South Korea might return there. For captured South Korean Army personnel, corresponding arrangements were suggested.

The United Nations Command stated that it had rejected these proposals, since they constituted no real change in the enemy position. It held that the Communists had rejected the United Nations Command proposals of 28 September. No meetings of the armistice delegations were held between 16 and 31 October.

In its report (S/2971) for the period 16 to 30 November, the United Nations Command stated that the Chinese-North Korean Command had ignored a United Nations Command request that captured personnel in that Command's custody be permitted to receive individual parcels through the mail exchange which was then in operation. The reports for the period 1 to 15 December (S/2972) and for the period 16 to 31 December (S/2982) stated that the armistice negotiations had continued in recess.

b. INCIDENTS RELATING TO PRISONERS OF WAR

In its report (S/2593) covering the period 16 to 31 January 1952, the United Nations Command stated that the Chinese-North Korean side had claimed that its prisoner-of-war camp No. 8 at Kang-Dong had been attacked by United Nations Command aircraft and that 22 prisoners had been killed and 55 injured. The United Nations Command had lodged an immediate protest that the areas had not been marked in accordance with the Geneva Convention.

Later, agreeing to United Nations Command demands, the Chinese-North Korean delegation had presented data which, according to it, showed exact locations of prisoner-of-war camps in the Chinese-North Korean area. An investigation by the United Nations Command showed that on the date of the alleged occurrence, 14 January, United Nations Command aircraft had attacked military targets in that area but it could not be verified whether the camp had been attacked.

The report of the United Nations Command (S/2619) covering the period 16 to 29 February stated that, on 18 February, a riot believed to have been planned and led by Communists took place among Korean civilian internees on the island of Koje. It was put down by United Nations Command security troops. One American soldier and 69 inmates of the internment camp were killed. One American soldier was injured, 22 suffered minor injuries and 142 inmates were wounded. No prisoners of war were involved. The United Nations Command said that the rioters were nationals of the Republic of Korea and that the subsequent Chinese-North Korean stand that the matter concerned them was not supported by international law.

In its report (S/2629) covering the period 1 to 15 March the United Nations Command related that on 13 March an outbreak among North Korean prisoners of war had occurred at Koje island, as a result of which twelve prisoners of war died and 26 were wounded. One American officer and one Republic of Korea civilian were injured.

The United Nations Command report (S/2715) covering the period 1 to 15 May stated that prisoners of war culminated a long series of incidents, disorders and demonstrations against the United Nations Command by forcibly seizing, on 7 May, Brigadier-General Francis T. Dodd, the United Nations Commander of Koje-Do. The view was expressed that this action was taken primarily to offset the announcement by the United Nations Command that all but approximately 70,000 of the 132,000 prisoners of war held by it would forcibly resist return to Communist control

The Communist prisoner-of-war leaders demanded certain conditions under which Brigadier-General Dodd was to be released. To avoid the bloodshed on a large scale which would have resulted if an attempt had been made to free General Dodd by the use of force, Brigadier-General Colson, the Acting Commander of Koje-Do acquiesced in the demands without proper authority. The ransom note thus forced from Brigadier-General Colson was, the report stated, deliberately misconstrued by the Communists as admitting the guilt of the United Nations Com-

mand as regards certain allegations of abuse and ill-treatment.

Following these incidents, the Commanding General, Eighth Army, was directed to take the steps necessary to ensure complete control of all prisoners of war at Koje-Do. On 10 June the United Nations Command began to distribute the prisoners of war into smaller, more separated compounds. This attempt was met by resistance from the prisoners who had armed themselves with improvised weapons. Most prisoners were evacuated without difficulty, but in one corner of Compound 76 some 1,500 prisoners had gathered in a group. They were brought under control by the use of tear-gas and concussion grenades. Total casualties were: one United States enlisted man killed and fourteen others wounded; 31 prisoners of war were killed and 139 wounded. It was significant, the United Nations Command noted (S/2774), that some prisoners were seen attacking the others.

The Commanding General, United Nations Prisoner-of-War Camp No. 1, in a personal report to higher headquarters, stressed that he himself had given both written and oral orders to Colonel Lee Hak Koo, North Korean Communist prisoner-of-war leader, to form his people into groups of 150. This order was ignored. After the compound was subdued, Lee and other leaders were segregated and the remainder of the strong pro-Communist compounds were also segregated and moved without resistance.

The United Nations Command reported that a survey of Compound 76 revealed that prisoners were armed with about 3,000 spears, 1,000 gasoline grenades, 4,500 knives and an undetermined number of clubs, hatchets, hammers and barbed wire flails. These weapons had been covertly fashioned from scrap materials and metal-tipped tent poles over a long period of time in preparation for armed resistance. One tunnel was under construction from Compound 76 to Compound 77. Entrenchments around each hut were connected from one building to another. In Compound 77 the bodies of sixteen murdered prisoners were found.

The United Nations Command report (S/2805) for the period 1 to 15 July stated that, concurrently with the movement of personnel who had been segregated for return to Communist control, construction of 500-man compounds continued at Chogu-ri, on the south-west end of Koje-Do, at Pongam-Do and Yonco-Do, small islands southwest of Koje-Do, and at Cheju City. Following orders for special vigilance, the commanding officer of the pro-Communist Chinese prisoner-of-war camp at Cheju City reported that plans had been uncovered to disrupt discipline in that camp. These plans included: (1) deliberate misunderstanding of orders; (2) ignoring instructions or explanations of camp supervisory personnel; (3) continued demonstrations and loud noise-making; and (4) surreptitious communications between compounds.

In its report (S/2836) covering the period 1 to 15 August, the United Nations Command stated:

"An investigation of an incident which occurred on 27 July 1952 at Nonsan, United Nations Prisoner-of-War Camp No. 16, housing North Koreans who had indicated they would violently resist repatriation to Communist control, produced the first evidence of possible pro-Communist infiltrators into the non-repatriate camps. Testimony taken from anti-Communist prisoners alleged that a group of North Koreans who had been shipped from Koje-Do were posing as anti-Communists in order to penetrate mainland camps to cause unrest and violence. It was further alleged that this group planned to assassinate anti-Communist leaders and later take over control of entire compounds. This situation resulted in the seizure of the agitators by prisoner leaders who interrogated them and attempted to force confessions of planned resistance, by beating them into submission. One prisoner died as a result of injuries and seven were evacuated for treatment. While conclusive evidence is lacking, camp authorities felt it appeared definite that this incident was anti-Communist counteraction against actual Communist agitators.

"A second incident on 30 July at Nonsan, which followed the general pattern of the 27 July foray, resulted in injuries to 24 North Korean prisoners. Interrogation of the injured by Counter Intelligence Corps and security personnel indicated that this incident was related to an internal struggle for power between pro- and anti-Communist elements. Investigation by United States personnel did not substantiate previous allegations of assassination plots. It was becoming apparent, however, that some Communist prisoners of war were in this camp with a deliberate purpose of creating trouble.

"A series of scattered incidents occurring at other prisoner-of-war installations did not appear to be part of an over-all resistance movement. Instead, they seemed to be unrelated, varying in degree of violence, and purely local in nature."

The United Nations Command report (S/2898) covering the period 1 to 15 October stated that the series of open acts of defiance which occurred during the latter part of September at United Nations Prisoner-of-War Camp No. 3, Cheju City, culminated on 1 October 1952 in a carefully planned attempt at open rebellion. In an attempt to restore order, two platoons forced their way into the compound and were immediately attacked by prisoners armed with rocks, spears, barbed wire flails and other hand-made missiles. Total casualties resulting from firing were: 56 prisoners dead, 91 injured and evacuated to the prisoner-of-war hospital at Pusan, and nine slightly injured. Nine United States troops were bruised by rocks or clubs.

The report noted that the inmates of these camps had been specifically warned the day previously that demonstrations celebrating Chinese Communist holidays during the period 1 to 3 October would not be permitted. Facilities were provided for the Press to take photographs of weapons used by inmates and to question the United States personnel involved.

Reporting for the period 1 to 15 November (S/2970) the United Nations Command described two incidents which, it said, provided further evidence of pro-Communist intelligence activities in prisoner-of-war camps. On 5 November two prisoners, apprehended while trying to escape from Camp No. 1 at Koje-Do, were found to have on their persons: six petitions addressed to Chinese and North Korean officials; a hand-drawn map of Korea; a map of Koje-Do indicating United Nations Command troop dispositions, as seen from the enclosure; a partial list of military units on Koje-Do; a diary of a Communist Party member; two home-made flags; and a crude compass.

During an interrogation of a prisoner of war at Koje-Do who had escaped on 17 October and was recaptured 19 November, the prisoner admitted he had delivered a package containing coded documents and petitions of a type similar to that mentioned above to a pre-determined individual at the Pusan railroad station. He was able to identify his contact by a peculiar manner of dress and three code words. The United Nations Command, thereafter, took measures to prevent "warfare through prisoners". The measures included dispersal of confirmed Communist prisoners into smaller groups, the strengthening of security forces and the evacuation of a nearby village and homes which had previously sheltered enemy agents. The report also noted other scattered incidents in pro-Communist camps.

On 6 December, the United Nations Command stated, a plan for a mass outbreak of prisoners was discovered. Coded documents were intercepted in several compounds. On 14 December, reports came to the commander of the camp that internees in two of the compounds were massing. Order was restored with a small detachment of United States and Republic of Korea guards.

c. MILITARY OPERATIONS

(1) Ground Operations

During the period of armistice negotiations no significant changes took place in front lines or troop dispositions. Ground action was mainly characterized by patrol clashes, probing attacks and raids which ranged from platoon to regimental strength.

On 12 May 1952, General Mark W. Clark succeeded General Matthew B. Ridgway as Commander-in-Chief of the United Nations forces in Korea.

Intermittently during the year the United Nations Command noted continued improvement in enemy combat capabilities although prisoner-of-war statements and other evidence pointed towards a predominantly defensive attitude. In June the United Nations Command reported that it had captured and retained, for fifteen days, critical and strongly held terrain features in the sector of the 45th Infantry Division. During the engagements the enemy suffered casualties estimated at 3,500. From 12 to 27 June strongly defended enemy positions in the sector of the 6th Republic of Korea Division were captured against strong enemy attacks. Confirmed enemy casualties were 207 dead and ten prisoners.

In August the United Nations Command reported definite increase in the amount of artillery and mortar fire employed by the enemy. The combined fire, it was stated, attained a record daily average of 8,700 rounds, with the unprecedented amount of 21,688 rounds fired in a single 24-hour period.

The heaviest ground action in over a year was reported by the United Nations Command in October, when hostile units of up to regimental strength struck a total of 40 United Nations Command positions on the western and central fronts. At the end of October, the enemy, at great cost, was reported to have taken and retained five positions. During these attacks, the report said, the enemy unleashed the largest volume of artillery and mortar fire since the beginning of hostilities in Korea. Over 93,000 rounds fell on United Nations Command positions on 7 October and the daily average rose to 24,000 rounds. In the latter part of October the United Nations Command reported increased enemy pressure on the central and western fronts, the majority of enemy attacks having been repulsed with heavy losses.

In November and December the United Nations Command did not report any major changes in the front lines but stated that there had been persistent heavy attacks on forward positions of the United Nations forces, in which often over 18,000 rounds of artillery and mortar fire were employed by the enemy. The reports said that the Chinese-North Korean campaign during November and December 1952 to retake and hold terrain features in the Kumhwa area continued, with heavy losses to the enemy. Positions such as those on Triangle Hill

and Sniper Ridge temporarily captured by the enemy from the United Nations forces were, however, quickly regained.

(2) Naval Operations

United Nations Command Naval forces operating in the Sea of Japan, the Yellow Sea and the Gulf of Korea continued to blockade the Korean coasts and to shell coastal enemy transportation hubs and positions at both ends of the battle line. Coastal rail and highway routes and bridges were cut continuously by night and day attacks.

In February the United Nations Command reported the appearance of an increased number of enemy sampans and small craft attempting to run the coastal blockade. A total of 175 of these were sunk or damaged. An enemy attack on a friendly-held island was repulsed. During the year the enemy ports of Wonsan, Hungnam and Sonjin were kept under siege and the enemy forces in those parts were subjected to continuous fire.

United States naval auxiliary vessels, Military Sea Transportation Service and merchant vessels under contract provided personnel lift and logistic support for United Nations air, ground and naval forces in Japan and Korea.

Shore-based marine and carrier-based aircraft provided front-line units with close support and flew strike and reconnaissance sorties deep into enemy territory. These sorties destroyed or damaged gun and mortar positions and other military objectives.

In October the United Nations Command reported that United Nations Naval aircraft operating from fast carriers in the Sea of Japan had struck targets from the bomb-line to the Manchurian border. Further, Navy and Air Force planes and United Nations Command warships of the United Nations Command Joint Amphibious Task Force Seven bombarded enemy positions in the Kojo area. Intermittent enemy shore gunfire resulted in minor damage to two United Nations Command naval vessels.

On 21 and 24 October two destroyers were reported struck by enemy shore batteries. In one case seven United Nations personnel were killed and one wounded. In the second, no damage or casualties were suffered.

The United Nations Command report (S/2972) for the period 1 to 15 December stated that during the period 430 close and deep support missions resulted in destruction of many enemy bunkers, gun and mortar positions, and front-line supply areas. A major strike was made on 9 December against the four important supply centres of Hyesanjin, Munsan, Hunyung and Najin. During the period a strike was also made on the Kyosen No. 1 hydro-electric plant, resulting in heavy damage.

(3) Air Operations

The United Nations Command air offensive against North Korea was continued during the year, its primary objective being systematic interdiction of enemy rail and highway lines of communication, and destruction of the enemy's industrial war potential. Combat cargo aircraft continued to airlift high priority passengers, to evacuate patients and to provide emergency supplies to United Nations Command ground, air and naval units.

In February the United Nations Command reported greater activity on the part of enemy jet fighters and the appearance of large MIG-15 formations over North Korea.

In May the United Nations Command noted the appearance of enemy jet aircraft in smaller formations but at lower altitudes and more willing to engage in combat. United Nations Command pilots, the report said, noted a continued increase in the aggressiveness of enemy pilots.

In June the United Nations Command reported the largest aerial operation conducted by it since the beginning of the conflict in Korea. On 23 and 24 June, a combined naval and airforce attack was made on thirteen vital hydro-electric installations in North Korea. Simultaneous strikes were conducted against the power plants at Suiho, Chosen and Fusen. The United Nations Command stated that the Suiho installation on the Yalu River was reputedly the fourth largest in the world.

The United Nations Command reported the successful bombing of an iron-ore processing plant at Tasyudong on 20 October and a successful attack two days later on a lead and zinc-processing plant near Okung. Fighter bombers struck enemy supply points and other targets including bridges, gun positions, troop concentrations and railway lines; they almost completely destroyed the military school at Kumgang.

The United Nations Command report (S/2971) for the period 16 to 30 November stated that Sabre-jets of the United States Command air forces destroyed the 500th Russian-built enemy MIG-15 during the first week of the period. The month, the report said, brought to a close two years of jet aerial warfare with the Chinese Communists and North Koreans failing to produce an aircraft pilot team capable of seriously threatening United Nations Command air superiority. MIG losses, as compared to those of Sabre-jets, during these two years, the report said, stood at approximately eight to one.

d. ECONOMIC AND RELIEF ACTIVITIES

The United Nations Command report (S/2662) for the period 1 to 15 April stated that the dollar value of supplies and equipment actually delivered to Korea in support of the Korean economic aid programme from July 1950 to March 1952 by the United States Government agencies was $227 million. The supplies and equipment included the following:

(1) Supplies and equipment for direct relief and short-term economic aid under the United Nations Command programme from United States funds amounting approximately to $101 million.

(2) Supplies and equipment procured by the Economic Construction Agency during the period 1 July 1950 to 7 April 1951 for economic rehabilitation amounting to $26 million.

(3) Civilian supplies and equipment provided by the United Nations Command for common military-civilian purposes amounting, approximately, to $65 million. This category of supplies, the report stated, was provided as a military necessity, but was considered within the framework of Korean economic aid since the Korean economy derived considerable benefit from it. The projects included in this category were: construction and reconstruction of bridges and roads; rehabilitation and improvement of ports and harbours; rehabilitation of railroads; provision of rolling stocks, coal and operation supplies for the railroad; rehabilitation and improvement of communication facilities; and rehabilitation of public utilities such as water works, ice plants, electric power system and coal mines.

(4) Raw materials supplied for support of the Republic of Korea Army as a military requirement. These supplies, the United Nations Command report stated, were considered within the sphere of the Korean economic aid programme since the manufacture of end items in Korea supported Korean economy by sustaining industry, providing employment and easing restrictions on civilian supplies. On a conservative estimate, it was stated, $35 million worth of raw materials were delivered to Korea for this purpose.

The figure of $227 million, it was stated, did not cover the following: purchase of supplies and services in Korea; services of United States service troops in rehabilitation projects; power furnished from floating power barges and destroyer escorts; trucks; salaries of all personnel solely engaged in movements of refugees by ship, airplane, rail and trucks; salaries of all personnel solely engaged in Korean economic aid at all levels. The cost of such services was conservatively estimated to be over $225 million.

The United Nations Command estimated contributions of supplies and equipment delivered to Korea from other United Nations Member nations and non-governmental agencies to be $19,500,000. The total from 1 July 1950 to 15 March 1952 was estimated at $471,500,000.

During the same period, the United Nations Command reported, the progress in the construction of all types of houses under the National Housing Programme had continued: of the 19,644 family units planned, 6,475 were completed and 4,336 were under construction.

The United Nations Command reported (S/2768) that an Agreement on Economic Co-ordination between the Republic of Korea and the Unified Command was signed on 24 May 1952 at Pusan.

The Agreement provided for the establishment of a Combined Economic Board composed of one representative from the Republic of Korea, and one representative of the United Nations Command. Under the Agreement, the Unified Command would assist the Government of the Republic of Korea in ascertaining its requirements for equipment, supplies and services; and, within the limits of available resources, would provide food, clothing and shelter for the population, as necessary to prevent epidemics, disease and unrest. The Unified Command would also assist the Republic of Korea in rehabilitation projects.

Under the Agreement, the Government of the Republic of Korea agreed to take further measures to prevent inflation, hoarding and harmful speculative activities; to apply sound, comprehensive, and adequate budgetary, fiscal and monetary policies, including maximum collection of revenues; and to maintain adequate controls over public and private credit. It also agreed to promote wage and price stability, to make the most effective use of all foreign exchange resources and to maximize production for export.

In a complementary exchange of notes, the United States agreed: (1) to pay at the same rate for all won drawn by the United Nations forces and sold to United States personnel; and (2) to pay for all won expended by the United States for bona fide military purposes during the period 1 June 1952 to 31 March 1953. The United States also agreed that, as soon as practicable after 31 March 1953, it would make full and final settlement for all won used between 1 June 1952 and 31 March 1953 for bona fide military purposes. The Government of the Republic of Korea agreed to utilize the proceeds of the sale of foreign exchange or imports derived from the payments in accordance with principles contained in the Agreement. The above settlements, it was stated, were without prejudice to the settlement of any other claims arising from the provision and use of currency and credits for periods prior to 1 January 1952 for which settlement had not yet been made.

The report (S/2837) for 16 to 31 August referred to continued United Nations Command

assistance to the Republic of Korea in obtaining maximum food production—this included the rehabilitation of the fishing industry. Because of the fighting and the fact that military installations occupied some agricultural lands, the crop yield for 1951 was about 5 to 10 per cent less than pre-war yields but the 1952 harvest was expected to be higher than the 1951 harvest. The United Nations Command expressed satisfaction with the distribution of food to refugees. During the period 25 June 1950 to 30 June 1952 a total of 554,599 long tons of grain, with a value of $75,194,140 was delivered to Korea through the United Nations Command, the report said.

A preliminary survey of crop-growing conditions and areas planted with rice and supplemental crops was conducted by a joint United Nations Command-Republic of Korea survey team during the period 29 August to 11 September. The survey was based on the recognition of four categories of land: (1) land under control of irrigation associations; (2) land under controlled irrigation; (3) land partially irrigated; and (4) non-irrigated land.

Upon completion of the first phase of the survey it was jointly agreed that 96 per cent (362,095 acres) of the land controlled by irrigation associations and that 97 per cent (682,002 acres) of other land under controlled irrigation had been planted with rice. It was further agreed that at least 75 per cent (407,264 acres) of land under partial irrigation had been planted with rice. The report noted that, normally, land in the first two categories accounted for about 68.5 per cent and land in the third category for approximately 23 per cent of the total amount of rice produced. Non-irrigated land normally produced only 8.5 per cent of the total. It was jointly agreed, the report said, that a large portion of this land should be reclassified as suitable only for dry-land crops.

The United Nations Command report (S/2970) for the period 1 to 15 November stated that under the terms of the Economic Co-ordination Agreement of 24 May 1952 the United States Government on 7 November paid $17,987,671.43 to the Republic of Korea. This amount represented a $4 million monthly payment on account for won expended for bona fide military uses from June to September, together with payment for won sold to troops during the period from May to August. On 12 December the United States paid a further $8,552,225. This, the fourth such payment, brought the total to $74,190,444.

The report said that preliminary results of the crop survey conducted to estimate the Republic of Korea rice crop for the current food year indicated, according to the United Nations Command members of the team, that approximately 13 million suk of brown rice would be produced (1 suk=5.12 bushels). The report said that during the period 1940-44 the annual average rice production was 13,718,516 suk, and that during the period 1946-50 the annual average was 14,145,444 suk. By comparison with these figures for previous years, the estimate for the year's crop showed that the Republic of Korea rice production would be approximately normal.

The United Nations Command report (S/2971) for the period 16 to 30 November stated that at a meeting of the Combined Economic Board, held on 19 November, a joint proposal was made for the free allocation of veterinary drugs and supplies to establish and maintain 200 veterinary clinics in Korea for six months to treat animal disease and conserve livestock. It was estimated that in six months' time the clinics would be able to begin paying an increasing percentage of the cost of supplies.

A seminar-workshop programme was being held during the reporting period in Pusan for 180 educators from all provinces of the Republic of Korea. Conducted by members of the American Education Mission, the seminars covered five major areas of education, including: teaching and learning; fundamental philosophy of education; administration; and child development and guidance. The six members of the American Education Mission, who were recruited for the Unitarian Services Committee, were to spend nine months in Korea on a technical assistance programme.

An appropriation of $1,845,000 was made by the United Nations Korean Reconstruction Agency for an orphans' programme, the Unified Command reported. Projects to be financed by this appropriation were prepared by the Joint United Nations Civil Assistance Command Korea-United Nations Korean Reconstruction Agency-Republic of Korea Child Welfare Committee, which was established on 6 October for the purpose of studying, analyzing and co-ordinating child welfare plans and activities. Three projects were proposed, which included: the establishment of a child welfare centre and a rational model and training institution in each province; extension and improvement of the best existing educational institutions; and the establishment of three vocational training institutions.

The report (S/2982) covering the period 16 to 31 December stated that civilian relief supplies delivered by the United Nations for use in Korea as of 30 November 1952 totalled $243,978,485.

The United States Government had furnished goods valued at $218,910,952. United Nations Members and other free nations had contributed an additional $11,667,350; United States voluntary agencies had contributed $10,952,657; and United Nations voluntary agencies $2,447,526.

The report further said that UNKRA had accepted a procurement request from the United Nations Civil Assistance Command for the purchase of a hundred "Land Crete" machines to manufacture brick-shaped earth blocks and tile from indigenous materials on sites where a building programme was being conducted. Delivery of the machines would facilitate a much more comprehensive building programme.

The first group of Republic of Korea merchant seamen arrived on 17 November at Yokusuka, Japan, for merchant marine training to be given by the United Nations Command. The programme provides for the training of 480 Republic of Korea seamen during the next twelve months.

e. PUBLIC HEALTH ACTIVITIES

Reviewing public health conditions, the United Nations Command stated that during the North Korean advance up to Pusan in 1950, the invaders had stripped all hospitals and dispensaries and kidnapped doctors and nurses to North Korea. In addition to these inroads, the Republic of Korea Army, of necessity, utilized all hospitals and many public buildings as emergency hospitals during the first year of the war. Doctors were drafted to serve in the Republic of Korea Army.

To meet this emergency, shipments were made from Japan and the United States, principally by air transport, of substantial quantities of drugs, vaccines, serums, anti-biotic preparations and human blood plasma, together with surgical supplies.

Public health medical facilities, it was reported, had grown from emergency front-line military first aid and evacuation stations to a current programme of 491 dispensaries and 97 hospitals having 9,200 bed spaces. The daily "in-patient" load in June was reported to be 6,000 and the monthly "out-patient" load approximately 910,000. Four-and-a-half million patients had been treated since January 1952. In addition, there was one mobile hospital (40-bed capacity) for civilians in each United States combat corps area and one civilian dispensary in each United States division area.

Equipment and supplies for X-ray diagnosis were furnished to rehabilitate X-ray service in hospitals. In addition, equipment and supplies for nation-wide diagnostic laboratory service for civilians were furnished by the United Nations Command.

Supplies and equipment for 500 small medical teams were distributed throughout Korea in the early part of 1952. These medical teams, located in new urban areas, did the bulk of medical relief and immunization work in Korea, it was stated.

As a result of sanitation work by the United Nations Command no epidemics of insect-borne or filth diseases had occurred in South Korea. Deaths from typhoid averaged only 22 per month during the first four months of 1952, as compared with 1,669 per month in 1951; from smallpox 37 per month, as compared with 1,032 per month in 1951; and typhus eighteen per month, as compared with 433 per month in 1951. No cases of cholera occurred during 1952. The United Nations Command attributed the decline in death rate to mass immunization programmes conducted in 1951.

f. SPECIAL REPORT BY THE UNIFIED COMMAND

On 18 October 1952 the Unified Command under the United States transmitted to the Secretary-General a special report (A/2228) on the status of the military action and the armistice negotiations in Korea for circulation to the Members of the General Assembly. The report briefly surveyed the course of military operations in Korea and stated that, at the time of reporting, the United Nations forces faced a Chinese-North Korean army of over a million men, mainly Chinese Communist forces, deployed in depth. These forces, the report said, were well equipped with artillery, tanks and other heavy military equipment. They had at their disposal an air force of 2,000 planes, mostly jet-engined, flown by competent pilots and based in Manchuria, from which they attacked United Nations aircraft operating within Korea.

The report further stated that the United Nations Command had not, as alleged in Communist propaganda accusations, attacked any territory outside Korea nor used bacteriological or chemical warfare weapons. The military operations of the United Nations Command had been conducted with the maximum respect for humanitarian considerations and for the lives of civilians. The report also surveyed briefly the course of armistice negotiations in Korea and contained the text of the draft armistice agreement which had been worked out by both sides, covering all agreed points (for text see below).

It reiterated the willingness of the United Nations Command to continue negotiations and concluded by stating that the United Nations Command with the forces currently at its disposal

was confident of its ability to contain a Chinese-North Korean offensive, should the Chinese-North Korean authorities choose that course of action. It stressed, however, the importance of additional forces for the continued effectiveness of the United Nations forces.

ANNEX. DRAFT ARMISTICE AGREEMENT

REVISION OF 29 AUGUST 1952

The Unified Command in its special report of 18 October, to which was annexed the draft armistice agreement, stated as follows with regard to the Draft Agreement:

The attached draft agreement has no official status.

With the exception of the paragraphs noted below, the provisions of the attached draft armistice agreement have been tentatively agreed to by represntatives of the United Nations Command and of the North Korean and Chinese Communist military authorities.

Paragraphs 51 and 54: The United Nations Command agreed to incorporate these paragraphs in the attached draft on the understanding that they would be interpreted in such a way as not to require the forcible repatriation of prisoners of war. The United Nations Command tentatively agreed to the wording of Article 51 on condition that the Communists agree that prisoners of war who would forcibly resist repatriation should not be considered as "held in the custody of each side at the time that this armistice agreement becomes effective", and that their names should not be included on the "lists which have been exchanged". The Communists have refused to agree to this interpretation, and have continued to insist on an agreement which would compel the United Nations Command to use force to repatriate prisoners who would violently resist repatriation. In the event of agreement on any one of the alternatives proposed by the United Nations Command on September 28, 1952, paragraphs 51 and 54 would require further amendment.

Paragraphs 13 and 37: In accordance with the UNC proposal of April 28, the texts of paragraph 13 and paragraph 37 are only conditionally agreed upon. The United Nations Command has made its agreement to the omission from paragraph 13 of a limitation on the construction and rehabilitation of military airfields conditional on Communist agreement to the United Nations Command position on prisoners of war (as set forth above) and on the composition of the Neutral Nations Supervisory Commission in paragraph 37. The Communists stated that they would agree to the United Nations Command position on the composition of the Neutral Nations Supervisory Commission if the United Nations Command would drop its insistence on the limitation on construction and rehabilitation of military airfields in paragraph 13. They did not, however, agree to the United Nations Command position on prisoners of war.

ARMISTICE

Agreement between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, concerning a military armistice in Korea.

PREAMBLE

The undersigned, the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, in the interest of stopping the Korean conflict, with its great toll of suffering and bloodshed on both sides, and with the objective of establishing an armistice which will insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved, do individually, collectively, and mutually, agree to accept and to be bound and governed by the conditions and terms of armistice set forth in the following articles and paragraphs, which said conditions and terms are intended to be purely military in character and to pertain solely to the belligerents in Korea.

ARTICLE I

MILITARY DEMARCATION LINE AND DEMILITARIZED ZONE*

1. It is agreed that a Military Demarcation Line shall be fixed and that both sides shall withdraw two (2) kilometers from this line so as to establish a Demilitarized Zone between the opposing forces. It is also agreed that a Demilitarized Zone shall be established as a buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities.

2. The Military Demarcation Line is located as indicated on the attached map (Map 1). The Military Demarcation Line is described by terrain features and by latitude and longitude in Annex A attached hereto.

3. The Demilitarized Zone is defined by a northern and a southern boundary as indicated on the attached map (Map 1). The northern boundary is described by latitude and longitude in Annex B attached hereto. The southern boundary is described by latitude and longitude in Annex C attached hereto.

4. The Military Demarcation Line shall be plainly marked as directed by the Military Armistice Commission hereinafter established. The Commanders of the opposing sides shall have suitable markers erected along the boundary between the Demilitarized Zone and their respective areas. The Military Armistice Commission shall supervise the erection of all markers placed along the Military Demarcation Line and along the boundaries of the Demilitarized Zone.

5. The waters of the Han River Estuary shall be open to civil shipping of both sides wherever one bank is controlled by one side and the other bank is controlled by the other side. The Military Armistice Commission shall prescribe rules for the shipping in that part of the Han River Estuary indicated on the at-

* The maps and the annexes referred to below are not included in the present volume.

tached may (Map 2). Civil shipping of each side shall have unrestricted access to the land under the military control of that side.

6. Neither side shall execute any hostile act within, from, or against the Demilitarized Zone.

7. No person, military or civilian, shall be permitted to cross the Military Demarcation Line unless specifically authorized to do so by the Military Armistice Commission.

8. No person, military or civilian, in the Demilitarized Zone shall be permitted to enter the territory under the military control of either side unless specifically authorized to do so by the Commander into whose territory entry is sought.

9. No person, military or civilian, shall be permitted to enter the Demilitarized Zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Military Armistice Commission.

10. Civil administration and relief in that part of the Demilitarized Zone which is south of the Military Demarcation Line shall be the responsibility of the Commander-in-Chief, United Nations Command; and civil administration and relief in that part of the Demilitarized Zone which is north of the Military Demarcation Line shall be the joint responsibility of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. The number of persons, military or civilian, from each side who are permitted to enter the Demilitarized Zone for the conduct of civil administration and relief shall be as determined by the respective Commanders, but in no case shall the total number authorized by either side exceed one thousand (1,000) persons at any one time. The number of civil police and the arms to be carried by them shall be as prescribed by the Military Armistice Commission. Other personnel shall not carry arms unless specifically authorized to do so by the Military Armistice Commission.

11. Nothing contained in this article shall be construed to prevent the complete freedom of movement to, from, and within the Demilitarized Zone by the Military Armistice Commission, its assistants, its Joint Observer Teams with their assistants, the Neutral Nations Supervisory Commission hereinafter established, its assistants, its Neutral Nations Inspection Teams with their assistants, and of any other persons, materials, and equipment specifically authorized to enter the Demilitarized Zone by the Military Armistice Commission. Convenience of movement shall be permitted through the territory under the military control of either side over any route necessary to move between points within the Demilitarized Zone where such points are not connected by roads lying completely within the Demilitarized Zone.

ARTICLE II

CONCRETE ARRANGEMENTS FOR CEASE-FIRE AND ARMISTICE

A. General

12. The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See paragraph 63 hereof for effective date and hour of the remaining provisions of this Armistice Agreement).

13. In order to insure the stability of the Military Armistice so as to facilitate the attainment of a peaceful settlement through the holding by both sides of a political conference of a higher level, the Commanders of the opposing sides shall:

(a) Within seventy-two (72) hours after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment and destroy all fortifications in the Demilitarized Zone except as provided herein. All demolitions, minefields, wire entanglements, and other hazards to the safe movement of personnel of the Military Armistice Commission or its Joint Observer Teams, known to exist within the Demilitarized Zone after the withdrawal of military forces therefrom, shall be reported to the Military Armistice Commission by the Commander of the side whose forces emplaced such hazards. All such hazards shall be removed from the Demilitarized Zone as directed by and under the supervision of the Military Armistice Commission. Thereafter, except for such units of a police nature as may be specifically requested by the Military Armistice Commission and agreed to by the Commanders of the opposing sides, and except for personnel authorized under paragraphs 10 and 11 hereof, no personnel of either side shall be permitted to enter the Demilitarized Zone.

(b) Within five (5) days after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the rear and the coastal islands and waters of Korea of the other side. If such military forces are not withdrawn within the stated time limit, and there is no mutually agreed and valid reason for the delay, the other side shall have the right to take any action which it deems necessary for the maintenance of security and order. The term "coastal islands" as used above, refers to those islands which, though occupied by one side at the time when this Armistice Agreement becomes effective, were controlled by the other side on 24 June 1950; provided, however, that all the islands lying to the north and west of the provincial boundary line between HWANGHAE-DO and KYONGGI-DO shall be under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, except the island groups of PAENG-YONG-DO (37°58'N, 124°40'E), TAECHONG-DO (37°50'N, 124°42'E), SOCHONG-DO (37°46'N, 124°46'E), YONPYONG-DO (37°38'N, 125°40'E) and U-DO (37°36'N, 125°58'E) and which shall remain under the military control of the Commander-in-Chief, United Nations Command. All the islands on the west coast of Korea lying south of the above-mentioned boundary line shall remain under the military control of the Commander-in-Chief, United Nations Command. (See Map 3).

(c) Cease the introduction into Korea of reinforcing military personnel; provided, however, that the rotation of units and personnel, the arrival in Korea of personnel on a temporary duty basis, and the return to Korea of personnel after short periods of leave or temporary duty outside of Korea shall be permitted within the scope prescribed below. "Rotation" is defined as the replacement of units or personnel by other units or personnel who are commencing a tour of duty in Korea. Rotation personnel shall be introduced into Korea only through the ports of entry enumerated in paragraph 43 hereof.

Rotation shall be conducted on a man-for-man basis; provided, however, that no more than thirty-five thousand (35,000) persons in the military service shall be admitted into Korea by either side in any calendar month under the rotation policy. No military personnel of either side shall be introduced into Korea if the introduction of such personnel will cause the aggregate of the military personnel of that side admitted into Korea since the effective date of this Armistice Agreement to exceed the cumulative total of the military personnel of that side who have departed from Korea since that date. Reports concerning arrivals in and departures from Korea of military personnel shall be made daily to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include places of arrival and departure and the number of persons arriving at or departing from each such place. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the rotation of units and personnel authorized above, at the ports of entry enumerated in paragraph 43 hereof.

(d) Cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons, and ammunition; provided, however, that combat aircraft, armored vehicles, weapons, and ammunition which are destroyed, damaged, worn out, or used up during the period of the armistice may be replaced on the basis of piece-for-piece of the same effectiveness and the same type. Such combat aircraft, armored vehicles, weapons, and ammunition, shall be introduced into Korea only through the ports of entry enumerated in paragraph 43 hereof. In order to justify the requirement for combat aircraft, armored vehicles, weapons, and ammunition to be introduced into Korea for replacement purposes, reports concerning every incoming shipment of these items shall be made to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include statements regarding the disposition of the items being replaced. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the replacement of combat aircraft, armored vehicles, weapons, and ammunition authorized above, at the ports of entry enumerated in paragraph 43 hereof.

(e) Insure that personnel of their respective commands who violate any of the provisions of this Armistice Agreement are adequately punished.

(f) In those cases where places of burial are a matter of record and graves are actually found to exist, permit graves registration personnel of the other side to enter, within a definite time limit after this Armistice Agreement becomes effective, the territory of Korea under their military control, for the purpose of proceeding to such graves to recover and evacuate the bodies of the deceased military personnel of that side, including deceased prisoners of war. The specific procedures and the time limit for the performance of the above task shall be determined by the Military Armistice Commission. The Commanders of the opposing sides shall furnish to the other side all available information pertaining to the places of burial of the deceased military personnel of the other side.

(g) Afford full protection and all possible assistance and cooperation to the Military Armistice Commission, its Joint Observer Teams, the Neutral Nations Supervisory Commission, and its Neutral Nations Inspection Teams, in the carrying out of their functions and responsibilities hereinafter assigned; and accord to the Neutral Nations Supervisory Commission, and to its Neutral Nations Inspection Teams, full convenience of movement between the headquarters of the Neutral Nations Supervisory Commission and the ports of entry enumerated in paragraph 43 hereof over main lines of communication agreed upon by both sides (Map 4), and between the headquarters of the Neutral Nations Supervisory Commission and the places where violations of this Armistice Agreement have been reported to have occurred. In order to prevent unnecessary delays, the use of alternate routes and means of transportation will be permitted whenever the main lines of communication are closed or impassable,

(h) Provide such logistic support, including communications and transportation facilities as may be required by the Military Armistice Commission and the Neutral Nations Supervisory Commission and their Teams.

(i) Jointly construct, operate and maintain a suitable airfield at the site of the headquarters of the Military Armistice Commission, for such uses as the Commission may determine.

14. This Armistice Agreement shall apply to all opposing ground forces under the military control of either side, which ground forces shall respect the Demilitarized Zone and the area of Korea under the military control of the opposing side.

15. This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the waters contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea.

16. This Armistice Agreement shall apply to all opposing air forces, which air forces shall respect the air space over the Demilitarized Zone and over the area of Korea under the military control of the opposing side, and over the waters contiguous to both.

17. Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command. The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to insure complete compliance with all of the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory. Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

18. The costs of the operations of the Military Armistice Commission and of the Neutral Nations Supervisory Commission and of their Teams shall be shared equally by the two opposing sides.

B. Military Armistice Commission

1. Composition

19. A Military Armistice Commission is hereby established.

20. The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of

whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents.

21. Members of the Military Armistice Commission shall be permitted to use staff assistants as required.

22. The Military Armistice Commission shall be provided with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing record-keeping, secretariat, interpreting, and such other functions as the Commission may assign to it. Each side shall appoint to the Secretariat a Secretary and an Assistant Secretary and the clerical and specialized personnel required to assist the Secretariat. Records shall be kept in English, Korean, and Chinese, all of which shall be equally authentic.

23. (a) The Military Armistice Commission shall be initially provided with and assisted by ten (10) Joint Observer Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission.

(b) Each Joint Observer Team shall be composed of not less than (4) nor more than (6) officers of field grade, half of whom shall be appointed by the Commander-in-Chief, United Nations Command, and half of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Additional personnel such as drivers, clerks, and interpreters shall be furnished by each side as required for the functioning of the Joint Observer Teams.

2. Functions and Authority

24. The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

25. The Military Armistice Commission shall:

(a) Locate its headquarters in the vicinity of PANMUNJOM (37°57'29"N, 126°40'00"E). The Military Armistice Commission may relocate its headquarters at another point within the Demilitarized Zone by agreement of the senior members of both sides on the Commission.

(b) Operate as a joint organization without a chairman.

(c) Adopt such rules of procedure as it may, from time to time, deem necessary.

(d) Supervise the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

(e) Direct the operations of the Joint Observer Teams.

(f) Settle through negotiations any violations of this Armistice Agreement.

(g) Transmit immediately to the Commanders of the opposing sides all reports of investigations of violations of this Armistice Agreement and all other reports and records of proceedings received from the Neutral Nations Supervisory Commission.

(h) Give general supervision and direction to the activities of the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians, hereinafter established.

(i) Act as an intermediary in transmitting communications between the Commanders of the opposing sides; provided, however, that the foregoing shall not be construed to preclude the Commanders of both sides from communicating with each other by any other means which they may desire to employ.

(j) Provide credentials and distinctive insignia for its staff and its Joint Observer Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

26. The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

27. The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the Demilitarized Zone or in the Han River Estuary; provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by the Military Armistice Commission may be dispatched at any one time by the senior member of either side on the Commission.

28. The Military Armistice Commission, or the senior member of either side thereof, is authorized to request the Neutral Nations Supervisory Commission to conduct special observations and inspections at places outside the Demilitarized Zone where violations of this Armistice Agreement have been reported to have occurred.

29. When the Military Armistice Commission determines that a violation of this Armistice has occurred, it shall immediately report such violation to the Commanders of the opposing sides.

30. When the Military Armistice Commission determines that a violation of this Armistice Agreement has been corrected to its satisfaction, it shall so report to the Commanders of the opposing sides.

3. General

31. The Military Armistice Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the senior members of both sides; provided, that such recesses may be terminated on twenty-four (24) hour notice by the senior member of either side.

32. Copies of the record of the proceedings of all meetings of the Military Armistice Commission shall be forwarded to the Commanders of the opposing sides as soon as possible after each meeting.

33. The Joint Observer Teams shall make periodic reports to the Military Armistice Commission as required by the Commission and, in addition, shall make such special reports as may be deemed necessary by them or as may be required by the Commission.

34. The Military Armistice Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement. The Commission is authorized to maintain duplicate files of such other reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Com-

mission, one set of the above files shall be turned over to each side.

35. The Military Armistice Commission may make recommendations to the Commanders of the opposing sides with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

C. Neutral Nations Supervisory Commission

1. Composition

36. A Neutral Nations Supervisory Commission is hereby established.

37. The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely, SWEDEN and SWITZERLAND, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely POLAND and CZECHOSLOVAKIA. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

38. Members of the Neutral Nations Supervisory Commission shall be permitted to use staff assistants furnished by the neutral nations as required. These staff assistants may be appointed as alternate members of the Commission.

39. The neutral nations shall be requested to furnish the Neutral Nations Supervisory Commission with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing necessary record-keeping, secretariat, interpreting, and such other functions as the Commission may assign to it.

40. (a) The Neutral Nations Supervisory Commission shall be initially provided with, and assisted by, twenty (20) Neutral Nations Inspection Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. The Neutral Nations Inspection Teams shall be responsible to, shall report to, and shall be subject to the direction of, the Neutral Nations Supervisory Commission only.

(b) Each Neutral Nations Inspection Team shall be composed of not less than four (4) officers, preferably of field grade, half of whom shall be from the neutral nations nominated by the Commander-in-Chief, United Nations Command, and half of whom shall be from the neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Members appointed to the Neutral Nations Inspection Teams may be from the armed forces of the appointing nations. In order to facilitate the functioning of the Teams, sub-teams composed of not less than two (2) members, one of whom shall be from a neutral nation nominated by the Commander-in-Chief, United Nations Command, and one of whom shall be from a neutral nation nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, may be formed as circumstances require. Additional personnel such as drivers, clerks, interpreters, and communications personnel, and such equipment as may be required by the Teams to perform their missions, shall be furnished by the Commander of each side, as required, in the Demilitarized Zone and in the territory under his military control. The Neutral Nations Supervisory Commission may provide itself and the Neutral Nations Inspection Teams with such of the above personnel and equipment of its own as it may desire; provided, however, that such personnel shall be personnel of the same neutral nations of which the neutral Nations Supervisory Commission is composed.

2. Functions and Authority

41. The mission of the Neutral Nations Supervisory Commission shall be to carry out the functions of supervision, observation, inspection, and investigation, as stipulated in sub-paragraphs 13(c) and 13(d) and paragraph 28 hereof, and to report the results of such supervision, observation, inspection, and investigation to the Military Armistice Commission.

42. The Neutral Nations Supervisory Commission shall:

(a) Locate its headquarters in proximity to the headquarters of the Military Armistice Commission.

(b) Adopt such rules of procedure as it may, from time to time, deem necessary.

(c) Conduct, through its members and its Neutral Nations Inspection Teams, the supervision and inspection provided for in sub-paragraphs 13(c) and 13(d) of this Armistice Agreement as the ports of entry enumerated in paragraph 43 hereof, and the special observations and inspections provided for in paragraph 28 hereof at those places where violations of this Armistice Agreement have been reported to have occurred. The inspection of combat aircraft, armored vehicles, weapons, and ammunition by the Neutral Nations Inspection Teams shall be such as to enable them to properly insure that reinforcing combat aircraft, armored vehicles, weapons, and ammunition are not being introduced into Korea; but this shall not be construed as authorizing inspections or examinations of any secret designs or characteristics of any combat aircraft, armored vehicle, weapon, or ammunition.

(d) Direct and supervise the operations of the Neutral Nations Inspection Teams.

(e) Station five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in paragraph 43 hereof located in the territory under the military control of the Commander-in-Chief, United Nations Command; and five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in paragraph 43 hereof located in the territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers; and establish initially ten (10) mobile Neutral Nations Inspection Teams in reserve, stationed in the general vicinity of the headquarters

of the Neutral Nations Supervisory Commission, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. Not more than half of the mobile Neutral Nations Inspection Teams shall be dispatched at any one time in accordance with requests of the senior member of either side on the Military Armistice Commission.

(f) Subject to the provisions of the preceding subparagraphs, conduct without delay investigations of reported violations of this Armistice Agreement, including such investigations of reported violations of this Armistice Agreement as may be requested by the Military Armistice Commission or by the senior member of either side of the Commission.

(g) Provide credentials and distinctive insignia for its staff and its Neutral Nations Inspection Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

43. Neutral Nations Inspection Teams shall be stationed at the following ports of entry:

Territory under the military control of the United Nations Command

INCHON	(37° 28'N, 126° 38'E)
TAEGU	(35° 52'N, 128° 36'E)
PUSAN	(35° 06'N, 129° 02'E)
KANGNUNG	(37° 45'N, 128° 54'E)
KUNSAN	(35° 59'N, 126° 43'E)

Territory under the military control of the Korean People's Army and the Chinese People's Volunteers

SINUIJU	(40° 06'N, 124° 25'E)
CHONGJIN	(41° 46'N, 129° 49'E)
HUNGNAM	(39° 50'N, 127° 37'E)
MANPO	(41° 09'N, 126° 18'E)
SINANJU	(39° 36'N, 125° 36'E)

These Neutral Nations Inspection Teams shall be accorded full convenience of movement within the areas and over the routes of communication set forth on the attached map (Map 5).

3. General

44. The Neutral Nations Supervisory Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the members of the Neutral Nations Supervisory Commission; provided, that such recesses may be terminated on twenty-four (24) hour notice by any member.

45. Copies of the record of the proceedings of all meetings of the Neutral Nations Supervisory Commission shall be forwarded to the Military Armistice Commission as soon as possible after each meeting. Records shall be kept in English, Korean, and Chinese.

46. The Neutral Nations Inspection Teams shall make periodic reports concerning the results of their supervision, observations, inspections, and investigations to the Neutral Nations Supervisory Commission as required by the Commission, and, in addition, shall make such special reports as may be deemed necessary by them, or as may be required by the Commission. Reports shall be submitted by the Team as a whole, but may also be submitted by one or more individual members thereof; provided, that the reports submitted by one or more individual members thereof shall be considered as informational only.

47. Copies of the reports made by the Neutral Nations Inspection Teams shall be forwarded to the Military Armistice Commission by the Neutral Nations Supervisory Commission without delay and in the language in which received. They shall not be delayed by the process of translation or evaluation. The Neutral Nations Supervisory Commission shall evaluate such reports at the earliest practicable time and shall forward their findings to the Military Armistice Commission as a matter of priority. The Military Armistice Commission shall not take final action with regard to any such report until the evaluation thereof has been received from the Neutral Nations Supervisory Commission. Members of the Neutral Nations Supervisory Commission and of its Teams shall be subject to appearance before the Military Armistice Commission, at the request of the senior member of either side on the Military Armistice Commission, for clarification of any report submitted.

48. The Neutral Nations Supervisory Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement. The Commission is authorized to maintain duplicate files of such other reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

49. The Neutral Nations Supervisory Commission may make recommendations to the Military Armistice Commission with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

50. The Neutral Nations Supervisory Commission, or any member thereof, shall be authorized to communicate with any member of the Military Armistice Commission.

ARTICLE III

ARRANGEMENTS RELATING TO PRISONERS OF WAR

51. All prisoners of war held in the custody of each side at the time this Armistice Agreement becomes effective shall be released and repatriated as soon as possible. The release and repatriation of such prisoners of war shall be effected in conformity with lists which have been exchanged and have been checked by the respective sides prior to the signing of this Armistice Agreement. (So that there may be no misunderstanding owing to the equal use of three languages, the act of delivery of a prisoner of war by one side to the other side shall, for the purposes of this Armistice Agreement, be called "repatriation" in English, "SONG HWAN" ( ) in Korean, and "CH'IEN FAN" ( ) in Chinese, notwithstanding the nationality or place of residence of such prisoner of war.)

52. Each side insures that it will not employ in acts of war in the Korean conflict any prisoner of war released and repatriated incident to the coming into effect of this Armistice Agreement.

53. Seriously sick and seriously injured prisoners of war shall be repatriated with priority. Insofar as possible, there shall be captured medical personnel repatriated concurrently with the seriously sick and seriously injured prisoners of war, so as to provide medical care and attendance en route.

54. The repatriation of all of the prisoners of war required by paragraph 51 hereof shall be completed within a time limit of two (2) months after this Armistice Agreement becomes effective. Within this time limit each side undertakes to complete the repatriation of all the prisoners of war in its custody at the earliest practicable time.

55. PANMUNJOM is designated as the place where prisoners of war will be delivered and received by both sides. Additional place(s) of delivery and reception of prisoners of war in the Demilitarized Zone may be designated, if necessary, by the Committee for Repatriation of Prisoners of War.

56. (a) A Committee for Repatriation of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for the repatriation of prisoners of war and for supervising the execution by both sides of all of the provisions of this Armistice Agreement relating to the repatriation of prisoners of war. It shall be the duty of this Committee to coordinate the timing of the arrival of prisoners of war at the place(s) of delivery and reception of prisoners of war from the prisoner-of-war camps of both sides; to make, when necessary, such special arrangements as may be required with regard to the transportation and welfare of seriously sick and seriously injured prisoners of war; to coordinate the work of the Joint Red Cross teams, established in paragraph 57 hereof, in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war stipulated in paragraphs 53 and 54 hereof; to select, when necessary, additional place(s) of delivery and reception of prisoners of war; to arrange for security at the place(s) of delivery and reception of prisoners of war; and to carry out such other related functions as are required for the repatriation of prisoners of war.

(b) When unable to reach agreement on any matter relating to its responsibilities, the Committee for Repatriation of Prisoners of War shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Prisoners of War shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

(c) The Committee for Repatriation of Prisoners of War shall be dissolved by the Military Armistice Commission upon completion of the program of repatriation of prisoners of war.

57. (a) Immediately after this Armistice Agreement becomes effective, joint Red Cross teams composed of representatives of the national Red Cross societies of countries contributing forces to the United Nations Command on the one hand, and representatives of the Red Cross society of the Democratic People's Republic of China on the other hand, shall be established. The joint Red Cross teams shall assist in the execution by both sides of those provisions of this Armistice Agreement relating to the repatriation of prisoners of war by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war. To accomplish this task, the joint Red Cross teams shall provide assistance in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war, and shall visit the prisoner-of-war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war. The joint Red Cross teams may provide services to prisoners of war while en route from prisoner-of-war camps to the place(s) of delivery and reception of prisoners of war.

(b) The joint Red Cross teams shall be organized as set forth below:

(1) One team shall be composed of twenty (20) members, namely, ten (10) representatives from the national Red Cross societies of each side, to assist in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war. The chairmanship of this team shall alternate daily between representatives from the Red Cross societies of the two sides. The work and services of this team shall be coordinated by the Committee for Repatriation of Prisoners of War.

(2) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross societies of each side, to visit the prisoner-of-war camps under the administration of the Korean People's Army and the Chinese People's Volunteers. This team may provide services to prisoners of war while en route from the prisoner-of-war camps to the place(s) of delivery and reception of prisoners of war. A representative of the Red Cross society of the Democratic People's Republic of Korea or of the Red Cross society of the People's Republic of China shall serve as chairman of this team.

(3) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross societies of each side, to visit the prisoner-of-war camps under the administration of the United Nations Command. This team may provide services to prisoners of war while en route from the prisoner-of-war camps to the place(s) of delivery and reception of prisoners of war. A representative of a Red Cross society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(4) In order to facilitate the functioning of each joint Red Cross team, sub-teams composed of not less than two (2) members from the team, with an equal number of representatives from each side, may be formed as circumstances require.

(5) Additional personnel such as drivers, clerks, and interpreters, and such equipment as may be required by the joint Red Cross teams to perform their missions, shall be furnished by the Commander of each side to the team operating in the territory under his military control.

(6) Whenever jointly agreed upon by the representatives of both sides on any joint Red Cross team, the size of such team may be increased or decreased, subject to confirmation by the Committee for Repatriation of Prisoners of War.

(c) The Commander of each side shall cooperate fully with the joint Red Cross teams in the performance of their functions, and undertakes to insure the security of the personnel of the joint Red Cross team in the area under his military control. The Commander of each side shall provide such logistic, administrative, and communications facilities as may be required by the team operating in the territory under his military control.

(d) The joint Red Cross teams shall be dissolved upon completion of the program of repatriation of prisoners of war.

58. (a) The Commander of each side shall furnish to the Commander of the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective, the following information concerning prisoners of war:

(1) Complete data pertaining to the prisoners of war newly added and those who escaped since the effective date of the data last exchanged.

(2) Insofar as practicable, information regarding name, nationality, rank, and other identification data, date and cause of death, and place of burial, of those prisoners of war who died while in his custody.

(b) If any prisoners of war are newly added or escape or die after the effective date of the supplementary information specified above, the detaining side shall furnish to the other side, through the Committee for Repatriation of Prisoners of War, the data pertaining thereto in accordance with the provisions of sub-paragraph "a" hereof. Such data shall be furnished at ten-day intervals until the completion of the program of delivery and reception of prisoners of war.

(c) Any escaped prisoner of war who returns to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition.

59. (a) All civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, Unitd Nations Command, and who, on 24 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to the area north of the Military Demarcation Line; and all civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 24 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to the area south of the Military Demarcation Line. The Commander of each side shall be responsible for publicizing widely throughout the territory under his military control the content of the provisions of this sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return home.

(b) All civilians of foreign nationality who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers shall, if they desire to proceed to territory under the military control of the Commander-in-Chief, United Nations Command, be permitted and assisted to do so; all civilians of foreign nationality who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, shall, if they desire to proceed to territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, be permitted and assisted to do so. The Commander of each side shall be responsible for publicizing widely throughout the territory under his military control the content of the provisions of this sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians of foreign nationality who desire to proceed to territory under the military control of the Commander of the other side.

(c) Measures to assist in the return of civilians provided for in sub-paragraph "a" hereof and the movement of civilians provided for in sub-paragraph "b" hereof shall be commenced by both sides as soon as possible after this Armistice Agreement becomes effective.

(d) (1) A Committee for Assisting the Return of Displaced Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides of assistance to the return of the above-mentioned civilians, and for supervising the execution by both sides of all of the provisions of this Armistice Agreement relating to the return of the above-mentioned civilians. It shall be the duty of this Committee to make necessary arrangements, including those of transportation, for expediting and coordinating the movement of the above-mentioned civilians; to select the crossing point(s) through which the above-mentioned civilians will cross the Military Demarcation Line; to arrange for security at the crossing point(s); and to carry out such other functions as are required to accomplish the return of the above-mentioned civilians.

(2) When unable to reach agreement on any matter relating to its responsibilities, the Committee for Assisting the Return of Displaced Civilians shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Assisting the Return of Displaced Civilians shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

(3) The Committee for Assisting the Return of Displaced Civilians shall be dissolved by the Military Armistice Commission upon fulfillment of its mission.

ARTICLE IV

RECOMMENDATIONS TO THE GOVERNMENTS CONCERNED ON BOTH SIDES

60. In order to insure the peaceful settlement of the Korean question, the military commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.

ARTICLE V

MISCELLANEOUS

61. Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

62. The articles and paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides.

63. All of the provisions of this Armistice Agreement, other than paragraph 12, shall become effective at ..... hours on ..... 1952.

Done at PANMUNJOM, Korea at ..... hours on the .. day of ..... 1952, in English, Korean, and Chinese, all texts being equally authentic.

KIM IL SUNG
Supreme Commander of
Korean People's Army

PENTEH-HUAI
Commander of the
Chinese People's
Volunteers

MARK W. CLARK
General, United States Army
Commander-in-Chief
United Nations Command

PRESENT

NAM IL
General, Korean People's Army,
Senior Delegate, Delegation of the
Korean People's Army and Chinese
People's Volunteers Delegation

WILLIAM K. HARRISON, JR.
Major General, United States Army
Senior Delegate, United Nations
Command Delegation

2. Other Communications Relating to the Korean Question

In addition to the communications dealt with in the foregoing section, two communications regarding the Korean question were issued as documents of the Security Council during 1952:

(1) A note dated 28 April (S/2617), in which the acting representative of the United States informed the Security Council that the President of the United States had on that date appointed General Mark W. Clark to replace General Matthew B. Ridgway as the Commanding General of the forces made available to the Unified Command pursuant to the Security Council resolution of 7 July 1950.

(2) A note dated 13 May (S/2633), in which the representative of the United States informed the Council that the effective date of the change in the Command was 12 May.

Four communications from the Minister for Foreign Affairs of the People's Democratic Republic of Korea were issued as documents of the General Assembly:

(1) A cablegram dated 17 October (A/C.1/720), requesting that representatives of the Democratic People's Republic of Korea be given an opportunity to participate in the discussion of the Korean question in the Assembly and declaring that the Government of the People's Republic would regard as illegal any discussion of the Korean question and decisions taken by the Assembly without such participation.

(2) Cablegrams dated 17 and 21 October (A/C.l/-726), communicating the text of a letter dated 16 October, addressed by Generals Kim Il Sung and Peng Teh Huai to General Mark W. Clark, regarding the suspension of the armistice negotiations in Korea on 8 October, and the text of the draft armistice agreement completed during the negotiations.

(3) A cablegram dated 8 November (A/C. 1/733/Rev.l), communicating the text of a statement by "The Central Committee of the United Democratic Patriotic Front of Korea", dated 4 November, containing a number of charges of atrocities by United States forces in Korea.

(4) A cablegram dated 28 November (A/C.1/735), expressing support for the USSR draft resolution (A/C.l/729/Rev.l/Corr.l/Add.l—see below).

Communications also issued as documents of the Assembly were:

(1) A letter dated 25 December 1951 (A/2038), from the representative of the USSR, transmitting a message from "The Central Committee, United States-British War Prisoners Peace Organizations in Korea", signed by nine American and British prisoners of war, requesting confirmation of the receipt of a declaration and an appeal sent to the United Nations under the same signatures, on 7 July 1951, in which the United States was charged with waging an aggressive war in Korea, while the United Nations was called upon to settle the Korean question peacefully by withdrawing all foreign troops from Korea. At the request of the USSR representative, the declaration and the appeal were also issued as documents of the Assembly (see A/2038, annexes).

(2) Cablegrams dated 14 and 17 December respectively (A/2354), from the Ministers for Foreign Affairs of the Central People's Government of the People's Republic of China and the Democratic People's Republic of Korea, rejecting the Assembly resolution of 3 December (see below).

(3) A cablegram dated 18 December (A/2357), from the Secretary-General of the League of Red Cross Societies, communicating the text of a resolution adopted on 13 Dcember by the Executive Committee of the League, calling on the countries concerned to take immediate action for the repatriation of sick and wounded prisoners of war.

3. Reports of the United Nations Commission for the Unification and Rehabilitation of Korea

On 5 February the Assembly decided to defer consideration of the report (A/1881)[4] of the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) submitted to its sixth session (resolution 507(VI)).[5] The Commission submitted a further report (A/-2187) to the seventh session of the Assembly, covering the period from 5 September 1951, the date of the Commission's previous report, to 28 August 1952.

A substantial part of the report submitted to the Assembly's seventh session (A/2187) described the Commission's activities in connexion with its function of observing the development of representative government in the Republic of Korea. A detailed account was given of the controversy, continuing from previous years, between the Executive and the Legislature on the relative roles of each.

The report stated that, as the date of the presidential election approached in the summer of 1952, Members of the Assembly complained that the Government was ignoring the Legislature, while the Government complained that the Assembly would not pass the necessary legislation. The main aspect of the controversy revolved around the adoption of constitutional amendments advocated by the President of the Republic, Syngman Rhee, which provided for the direct election of the President by the people instead of by the National Assembly and for a bi-cameral legislature instead of a legislature of one house.

A Bill to this effect was rejected in the National Assembly on 18 January 1952 by 143 votes to 19, with 1 abstention. There was little criticism of the President or his administration and defeat of the Bill, the report said, did not necessarily mean that Mr. Rhee could not secure in the Assembly a majority for his own re-election when the time came. It was only later when extreme pressure was applied by the Executive against the Legislature that opinion in the Assembly hardened against Mr. Rhee; many members came to oppose so strongly what they regarded as arbitrary and personal rule that they did not want to vote for any amendment to the Constitution until they had exercised their votes to elect someone other than Mr. Rhee, it was stated. The President argued that it was more democratic for each citizen to vote directly for the President than to have the National Assembly do so and that a second chamber would act as a brake on the first house of the Legislature. Against that, some of his opponents argued that in a new State, like the Republic of Korea, the people did not yet know enough about prospective candidates to weigh their merits and that, in any case, a "popular vote" was really a fiction as long as the incumbent controlled the police. The discussions, however, were not confined to the merits of the proposals, the report stated; the moves in the political struggle were greatly influenced by personalities and by competition for power and patronage.

After the National Assembly had rejected this Bill, the President expressed the hope that the public and the legislators would reverse this decision. He suggested that the Assemblymen should be "recalled by popular vote if they neglected the popular will in favour of their private interests". He thus launched a campaign which was an important element in the pressure brought to bear on the recalcitrant Legislature.

The report said that on 25 May "emergency martial law" was put into effect in Pusan and its vicinity, by the State Council (the Cabinet, presided over by the President). All power was vested in the Martial Law Commander, who issued a number of proclamations, the first of which attributed the need for martial law to "the enemy" who were pursuing "their scandalous plots without restriction, intercepting traffic and communications and disturbing the public mind". In later explanations it was said that martial law was imposed to counteract guerrilla activities.

The significance of martial law in Pusan, as distinct from other parts of the country, the report said, was that it placed the organs of central government under great restrictions. The Martial Law Commander claimed that he was responsible only to the President. He also claimed the right to arrest any government official, including mem-

[4] For a summary of the report, see Y.U.N., 1951, pp. 230-31.

[5] See Y.U.N., 1951, p. 237.

bers of the National Assembly. By the second day of martial law, over 50 of 183 members of the Assembly were under detention of some sort. The number who were detained very shortly dropped to twelve. Pressure continued to be brought to bear on the members, the report stated. The Assembly's supporters had great difficulty in making their views known because of the restrictions imposed by martial law, including rigorous censorship and the withholding of licences for certain meetings.

The President's opponents took the position that, if the Constitution and law were followed: the Assemblymen could not be detained; martial law could not be continued; and the dissolution of the Assembly, or the recall of individual members, threatened by the President, could not take place. President Rhee claimed that these objections were overridden by article 2 of the Constitution, which says: "The sovereignty of the Korean Republic shall reside in the people. All State authority shall emanate from the people." He claimed that it was the will of the people that the Assembly should adopt the amendments he had proposed; if it should refuse, it would mean that the members had ceased to be true representatives of the people, and the Assembly should be dissolved so that the people could elect new representatives. He said that, where the national existence of Korea was at stake, the Government had to depart, if necessary, from the strict letter of the law, the report stated.

Several attempts at a compromise proved of no avail and the members of important political parties ceased to attend the meetings of the Assembly, so that the quorum of two thirds, necessary for the adoption of any amendment to the Constitution, could not be obtained. On 2 July, however, the report stated, the Government announced that Assemblymen who failed to attend would be "guided and escorted" by the police to the Assembly. The police search began that evening, and those found were brought to the Assembly building. A plenary meeting was held on 4 July, attended by 166 members, and a Bill was passed by 163 votes to none, with 3 abstentions, providing for election of the President and the Vice-President directly by the people and for the establishment of a bi-cameral legislature. Some members protested against the procedure adopted and the pressure employed.

The Commission considered that a critical point had been reached with the proclamation of martial law in Pusan and the actions by the police against members of the Legislature, and, it stated, it had raised these questions in conversations with the President and the Martial Law Commander. In a letter dated 28 May it stressed that it did not take sides in any internal political conflict, but that it was incumbent upon it to take action without delay if it became aware of any danger of violation of the Constitution and fundamental laws of the country. Martial Law, the letter continued, was maintained in spite of the Assembly having voted on 28 May by a great majority for its lifting. Article 49 of the Contstitution and article 17 of the Law governing the Enforcement of Martial Law had not been observed. A number of Assemblymen had been arrested and were still under arrest, while others lived in fear of arrest or detention and were thereby prevented from attending meetings of the Assembly. It therefore urged the lifting of martial law in the city of Pusan and the release of any Assemblymen still under arrest or otherwise detained, the report stated.

In a detailed reply dated 31 May the President reiterated his arguments in favour of the constitutional amendments and stated that a group of Assemblymen had confessed that they had received money from the Communists to finance a plan to unify North and South after the Communist pattern, and that a proper prosecution of the case demanded keeping the involved Assemblymen under detention for the time being. As to martial law, he said, it had been proclaimed solely to counteract guerrilla activities.

The attitude of the Commission, it said, was supported by the United Nations Commander-in-Chief, as well as by the Governments of the United States, the United Kingdom, France, Australia and New Zealand, while a number of governments expressed to the Secretary-General their concern regarding developments in the Republic of Korea. The Secretary-General also expressed his concern on behalf of the United Nations and especially those Members providing assistance in Korea.

In a letter dated 31 May, in reply to the President's letter of the same date, the Commission reiterated its demands and stated that the United Nations, having taken up arms in defence of the Republic of Korea, had both a right and an interest to see that the Constitution of the Republic of Korea was faithfully observed, so that there would be no doubt as to the legitimacy of the Government of the country on whose behalf so many lives were being spent by other countries. It suggested that the political leaders of Korea agree to a "political holiday" of ten days, during which efforts to reach agreement could be pursued.

On 9 June the Commission called on President Rhee to discuss this letter. The President indicated that he could not agree to the Commission's

suggestion and said he expected the situation to be settled very soon. He based his case for the arrests on the alleged conspiracy and reproached the Commission for not believing in its existence. He said that his two proposed amendments to the Constitution must be adopted, and that this main issue must not be mixed with minor questions, the Commission reported. The Assembly would have already accepted his proposed amendments if it had not been for this conspiracy, which had caused the Assembly to reject them, he stated.

The Commission, the report said, thereafter continued to follow the situation closely, and kept in touch with Korean political leaders of all shades of opinion. Individual representatives of the Commission saw President Rhee on a number of occasions. Finally, the political tension was eased by the adoption of the Constitutional Amendment Bill on 4 July. On 15 July the Assembly passed legislation giving effect to the new constitutional provision for direct election of the President and the Vice-President. A Presidential decree set the election day for 5 August. Martial law in Pusan and several other districts was lifted on 28 July in order to "ensure as free an atmosphere as possible" during the elections. On election day President Rhee was re-elected, receiving 86 per cent of the votes of those registered (5,238,769) out of 7,033,633).

On 1 August, the day after the Court had given its verdict in the alleged conspiracy case, sentencing to imprisonment six men (none of them Members of the National Assembly), the Commission had a meeting with the United States Ambassador and the United Kingdom and French Charges d'Affaires, who, together with the Commission, had provided for international observation of the trial. The report said that the observers considered that: (1) there had been a miscarriage of justice in the sentences imposed; (2) the evidence and witnesses brought before the Court—at least in so far as the international observers had been allowed to see the evidence—did not justify such a verdict; and (3) the existence had not been proved of an international conspiracy involving Members of the National Assembly. It was decided that the United Kingdom Charge d'Affaires should call upon the President to make known the views of the international observers on some aspects of the case and to let it be known to the Government of the Republic of Korea that the presence of the observers throughout the trial and the fact that they did not make any public comment on the verdict did not imply international endorsement of the findings or agreement that the existence of the international conspiracy had been established. The United Kingdom Charge d'Affaires later had an interview with the President in which the trial was fully discussed.

With regard to the re-election of Mr. Rhee as President of the Republic, the report stated that the Commission had sent several observation teams to different electoral districts. The chief criticism against the elections was the short time between the date when nomination commenced (26 July) and polling day (5 August). As it had only been decided on 4 July that there would be a direct election by the people, there had been little time for campaigning and the incumbent had had a big advantage. Although there undoubtedly had been some police interference in the campaign it had not made any significant difference as far as the choice of the President was concerned, the Commission stated.

The report said that in its progress towards democratic institutions, the Republic had faced great difficulties because of the lack of trained leaders, the absence of any political education of the mass of the people, and the psychological effects of 40 years of bondage superimposed on many centuries of feudal life. The war had disrupted the government machinery for many months. Millions had become refugees and special restrictions had had to be imposed in the interests of national security. The economic situation also had had a strong bearing upon the political situation. These conditions had inevitably affected not only the machinery of administration and politics but the state of mind and the conduct of those involved in them. The consequences in the political life had become particularly obvious in 1952 because of the prolonged clash between the Executive and the Legislature. The disturbing features in this case were the disregard of the Constitution and law, the attempted resort to "mob rule", and the use of martial law and government authority to limit freedom of political expression, the Commission said. It felt that some concern was justified in regard to the deterioration in democratic freedom in the Republic of Korea.

While the setbacks to democratic development had attracted world-wide notice, the advances during the year had sometimes been overlooked. On 25 April elections had been held for city and town councils which, in turn, had chosen the mayors; and on 10 May provincial councils had been elected. These elections, both held for the first time, were a step towards associating the people more closely with their own public affairs. The agreement on a constitutional amendment, the beginning of a new Presidential term, the progressive expansion of local government and international economic assistance all opened the way

for placing the political life of the Republic on a more stable basis.

With regard to the economic and financial situation, the report stated that the basic picture remained as in 1951. While no further destruction had occurred in the Republic itself as a direct result of the fighting, reconstruction had been limited, chiefly because shipping space had still had to be devoted primarily to military requirements and to importing basic necessities of life which could not currently be provided from Korea's domestic resources.

Inflation continued to be a most serious problem, imperilling the whole basis of relief and rehabilitation. Between May 1951 and September 1952 the note issue had almost doubled and the price of rice in Pusan had increased by more than eight times. This problem could be overcome only by joint action by the United Nations Command and the Government of the Republic, the report said.

Some reconstruction had been undertaken, mostly by the United Nations military authorities, in part for direct military purposes, such as communication facilities. Part of this reconstruction, particularly the rehabilitation of electric power, while of military importance, had been of even greater significance to the rehabilitation of the Korean economy. Despite some improvement, the economy of the country was still suffering greatly from the war and had not yet taken a major step towards recovery. Steady economic progress could be based on the work being undertaken, but inflation, weaknesses in the administrative machinery, the continued dislocation of population and basic difficulties arising from the division of the country and the destruction caused by the fighting were warnings against over-optimism.

The refugee problem during the previous year had differed radically from the problem in 1950-51, when millions of people were on the move. Refugees—persons displaced from their homes by the war—were estimated in March 1952 to total 2,618,000 in the Republic of Korea. They had been helped by supplies brought in and distributed by the United Nations Civil Assistance Command, Korea (UNCACK). The problem now was to look after those who had been away from their homes for over a year but were no longer fleeing. Very few of them wanted to settle permanently in their places of refuge, because they looked forward to returning to their homes some day.

The report further stated that, since the outbreak of hostilities, the estimated dollar value of supplies and equipment delivered in Korea by 31 July 1952 as part of the civilian relief and economic aid programme was $195,855,562. To this amount should be added supplies and equipment provided by the United States Economic Co-operation Administration and the United States Army, as well as additional expenditures for services rendered by the United States military authorities, estimated to total approximately $350 million.

Assistance in the field of public health had continued to be a major part of the activities of UNCACK, and no epidemic had occurred in the Republic of Korea during the period under review. The Command had also helped Korean officials to increase production, to provide basic welfare services and, in general, to re-establish normal community life. At the current stage of military operations, primary responsibility for international assistance rested with the United Nations military authorities; the United Nations Civil Assistance Command being the principal body operating in Korea. The role of the United Nations Korean Reconstruction Agency (UNKRA) was therefore limited for the time being to recruiting international staff for UNCACK, to long-term planning and preparation for the relief and rehabilitation of Korea, and to discussions with the military authorities and the Government of the Republic of Korea.

Setting out its general conclusions, the Commission emphasized that the strictly limited military objective of defeating the aggression against the Republic of Korea was distinct from the political objective of the United Nations, which continued to be the establishment by peaceful means of a unified, independent and democratic Korea. It remained as important as before that efforts were not relaxed to repel that aggression, and to help the victim recover from the devastation which it had brought about.

Finally, the Commission reaffirmed that even after the fighting had ceased, some political representation of the United Nations was needed in Korea—to observe and report on developments in Korea, to consult with and, whenever appropriate, to assist the Government of the Republic of Korea and to provide a continuing demonstration that the United Nations would protect legitimate Korean interests.

4. Consideration of the Korean Question by the General Assembly at the First Part of the Seventh Session

a. INTRODUCTION

At its 380th meeting on 16 October, the General Assembly decided to include in the agenda of its seventh session the item: "Korea: (a) Reports of the United Nations Commission for the Unification and Rehabilitation of Korea; (b) Reports of the Agent General of the United Nations Korean Reconstruction Agency." At its 382nd meeting on 17 October, it decided to refer sub-items (a) and (b) respectively to the First and the Second Committee for consideration and report. At its 406th meeting on 18 December, the Assembly decided to re-allocate sub-item (b) to the First Committee for consideration during part II of the seventh session.

The item was considered by the Assembly's First Committee at its 511th to 536th meetings from 23 October to 2 December and by the General Assembly at its 399th plenary meeting on 3 December when the reports of UNCURK (A/1881 and A/2187) were before the Committee. The representative of the Republic of Korea, who was invited to participate in the discussions, commented on some of the statements made in the Commission's report, and brief references to the report were made by other representatives. The debate, however, was chiefly concerned with: (1) the previous history of the Korean question and, in particular, the responsibility for the outbreak of hostilities; (2) the progress of negotiations at Panmunjom and the responsibility for the deadlock in those negotiations; and (3) the question of the repatriation of prisoners of war. The great majority of representatives considered that the first essential was to stop the war in Korea prior to any general discussion of the political issues involved, and that the only outstanding question preventing the conclusion of an armistice appeared to be the prisoners-of-war issue. They, therefore, concentrated on this question.

Five draft resolutions were presented in the First Committee:

(1) a joint draft resolution (A/C.1/725) by 21 Powers: Australia, Belgium, Canada, Colombia, Denmark, Ethiopia, France, Greece, Honduras, Iceland, Luxembourg, the Netherlands, Nicaragua, New Zealand, Norway, the Philippines, Thailand, Turkey, the United Kingdom, the United States and Uruguay; (2) a draft resolution by the USSR (A/C.l/729/Rev.l/Corr.l and Rev.1/Corr.1/Add.l); (3) a draft resolution by Mexico (A/C.1/730); (4) a draft resolution by Peru (A/C.1/732); and (5) a draft resolution by India (A/C.1/734), to which amendments were introduced by: (a) Iraq (A/C.1/L.3); (b) Greece (A/C.1/L.6); (c) Denmark (A/C.1/L.5); and (d) the USSR (A/C.1/L.4).

The debate in the First Committee opened with a survey by the United States, introducing the joint 21-Power draft resolution; it was followed by a survey by the USSR, introducing the Soviet draft resolution. Subsequent statements referred to these two surveys and replies were made, in particular by the USSR representative, to points raised in the debate. The Peruvian and Mexican draft resolutions were introduced later and, finally, the Indian draft resolution was introduced as a compromise and was given priority in the voting.

In view of the subsequent adoption of the amended Indian draft, the First Committee, at its 535th meeting on 1 December, agreed to defer further consideration of the 21-Power draft as well as the Mexican and Peruvian draft resolutions.

For ease of reference, matters are treated here in the following order: (1) questions referring to the report of UNCURK, in particular the statement made by the representative of the Republic of Korea; (2) the four draft resolutions which were before the Committee during most of its discussions; (3) the views expressed by representatives during the general debate prior to the introduction of the Indian proposal, treated according to the general line they adopted, rather than chronologically; (4) the Indian proposal and the views expressed on it; (5) the decisions taken by the Committee and the General Assembly; and (6) the report of the President of the General Assembly on the action taken by him pursuant to the resolution adopted by the Assembly.

b. CONSIDERATION BY THE FIRST COMMITTEE

At the beginning of its discussions, at the 511th meeting, the First Committee considered a draft resolution by Thailand (A/C.1/L.1) providing for an invitation to a representative of the Republic of Korea to participate in the consideration of the item without the right to vote.

The USSR, while agreeing to that proposal, also submitted a draft resolution (A/C.1/L.2) providing for a similar invitation to representatives of the People's Democratic Republic of Korea. The representatives of Australia, Brazil, Canada, Greece, the Netherlands, the Philippines, the United Kingdom and the United States opposed the USSR proposal on the ground that the Assembly should not give a hearing to the aggressor while he was engaged in aggression. The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR rejected the view

that the People's Democratic Republic of Korea was the aggressor, and considered that opposition to invite its representatives was due to fear of hearing the truth about United States aggression in Korea, and unwillingness to move one step towards the solution of the Korean question. It was a matter of history as to who was the aggressor and who was the victim and now practical measures for the cessation of hostilities had to be discussed. How could representatives refuse to have anything to do with North Korea and simultaneously say that they wished to attain a peaceful settlement of a dispute to which it was a party?

The representatives of Burma and Pakistan, supporting the Thailand draft resolution, stated that they would also support the USSR draft in order not to let slip any opportunity of breaking the deadlock in Korea. The Indonesian representative considered that by negotiating with North Korea the United Nations had recognized North Korea as a party to a military conflict; he would therefore vote for both draft resolutions. The representatives of Chile and Syria declared that they would abstain in the vote on the USSR proposal, the former because he did not wish to assume responsibility for not exhaustively exploiting all possibilities for a settlement of the Korean question and the latter because he considered that an invitation to North Korea might create the false impression that the United Nations had changed its attitude since the previous session.

The Committee adopted the Thailand draft resolution by 54 votes to 5, with 1 abstention, and rejected the USSR draft resolution by 38 votes to 11, with 8 abstentions.

(1) Views Expressed by the Representative of the Republic of Korea and other Statements Referring to the Report of UNCURK

At the 518th meeting of the First Committee on 3 November the representative of the Republic of Korea made certain observations on the report of UNCURK (A/2187). He observed that three fourths of the report had been devoted to the internal developments in Korea—an allocation which did not fairly represent the nature and significance of the problems. To the Korean people, the economic and military problems and the international complications of the situation were of more importance than the report indicated, he said.

Discussing the political observations in the report, the representative of the Republic of Korea said that every good government required checks and balances between its executive, legislative and judicial branches. Until those checks and balances were firmly established, individual freedom was never ensured. When they were disturbed, individual freedom was again exposed to danger, and until they were restored, no pain should deter the people in the struggle necessary for their restoration.

When the first National Assembly met in 1948, he said, its initial task was to draft a constitution. Because there was danger of attack from beyond the 38th parallel, and no one knew what capacities the Korean people might demonstrate for self-government, the National Assembly had decided to entrust the election of the President to its own members and to provide a single legislative chamber. It was regrettable that the Constitution was not drawn up by a separate body which would thereafter have been dissolved. The Constitution was drafted by a group of people intensely interested in endowing their own branch of government with more power than was its due. The representative of the Republic of Korea added that the National Assembly had repeatedly sought to encroach upon the authority of the administrative branch. The recent so-called "compromise amendments", under which the National Assembly was enabled to force the Cabinet to resign without running any risk of its own dissolution, were not satisfactory and required modification. Unless elected legislators were required to respond to the will of the people, they would be governed by their own special interests. That was what had happened in Korea.

When the time came for the election of a new President in Korea, the National Assembly had insisted upon retaining exclusively its power of election, the representative of the Republic of Korea said. The President had repeatedly stated his desire for constitutional amendments whereby that power of electing the President could be returned to the people, who had endured so much for the sake of democratic liberties, and whereby a bi-cameral legislative system could be set up. It was understandable, even though regrettable, that the National Assembly should have resisted all movements to curtail its powers. What seemed strange to the Koreans, he said, was that foreign representatives who were determined to protect democracy in their own homelands and who were charged with the duty of encouraging it in Korea should have lost sight of the larger issues involved and joined the National Assembly in decrying the extension of the sovereign right of election to the whole electorate.

Although the President of Korea had been charged with being dictatorial, he had proposed not to seize power, but to return it to the people.

The representative of the Republic of Korea remarked that perhaps the foreign observers had listened too attentively to the complaints of political opponents of the Government and had paid too little attention to the resolutions adopted in nine provincial assemblies and in more than 1,400 local councils, demanding acceptance of the proposed constitutional amendments.

While the nations fighting on the side of the Republic of Korea had sought to settle the issues by political negotiations at Panmunjom, he continued, Communist money was secretly brought to Pusan to be used in bribing members of the National Assembly to elect a President who would concur in a programme of political unification for Korea on terms acceptable to the Communists. In the midst of all the threats, pressures and demands, however, President Rhee resolutely insisted that the purely Korean issues in the conflict must be settled on conditions acceptable to Korea and that the Korean nation be headed by a President representing the will of the people.

Although there were many specific allegations in the Commission's report which he would like to refute one by one, the representative of the Republic of Korea said that perhaps it would suffice to state that most of the allegations dealt with what might have happened or with the Commission's fears concerning hypothetical eventualities.

If President Rhee and the people had bowed before the first rejection of the amendments by the National Assembly, Korea would have had a President who did not truly represent the people, he said. The National Assembly would have been split into warring factions. There would have been encouragement for factional divisions among the people and in the armed forces. Instead, the Constitution was amended by a vote of 163 to none. Four candidates stood for election to the presidency, of whom one was an avowed Marxist still. The fact that that candidate was not hampered in campaigning and received 800,000 votes was sufficient evidence of the fairness of the election. The fact that President Rhee received four fifths of the total vote, the representative of the Republic of Korea said, made clear the desires of the electorate. The election was over, and the Korean people were united to a higher degree than ever before. The people who had claimed that the legislative election of 1950 had showed that President Rhee lacked popular support had been refuted. In those few weeks the Korean people had taken a longer step towards true democracy than they had previously achieved in over 4,000 years of history.

Since the detailed analysis of every stage of the dispute concerning the constitutional amendments occupied such a large proportion of the report, the representative of the Republic of Korea said, readers might miss the significance of the Commission's general conclusions. These were:

(1) the elections held in Korea were a fair and free expression of the will of the Korean people; (2) despite all their burdens and problems, they had continued their steady and significant development of a truly democratic government; (3) a reorganization of political parties was under way, and that might bring new strength to political life; (4) one of the matters on which the Republic of Korea deserved special commendation was the continuance of the work of education in the face of immense difficulties; (5) there was a grim picture of suffering and devastation begun and prolonged by those who launched the aggression from the north; (6) the agreement on a constitutional amendment, the beginning of a new presidential term, the progressive expansion of local government, and international economic assistance all opened the way for the political life of the Republic to be placed on a more stable basis.

The representative of the Republic of Korea stated that the central fact in the thinking and feeling of the Korean people was that theirs was a sovereign and independent government, truly representative of its people and wholly determined to pursue to the death the objectives of a reunited, democratic and free nation.

The representative of the Republic of Korea stated that he regretted that very little was said in the report on restoring the unity of Korea. The Commission, as well as its two predecessors, had been charged with that essential task. On 7 October 1950, the General Assembly in resolution 376(V), had voted that peace and security should be restored in Korea and that elections should be held under United Nations observation to ensure a truly representative government of the unified nation. On that question the feelings of the Korean people had become more intense. Events had emphasized that leaving the northern half of the nation in the illegal possession of a foreign army determined upon its destruction was intolerable, he said.

Surveying the devastation caused by 28 months of war, he stated that, despite the need for rehabilitation, there had been tragically little reconstruction. Although the endurance of the Korean people was threatened by the worst possible economic conditions, they trusted that all the free nations would join them in their determination that victory was the only goal to be sought.

Stating his Government's position on the alternatives proposed by the United Nations at Panmunjom and in the Mexican proposal (see below), the representative of the Republic of Korea said that such measures would require the creation of a neutral area. Past experience, he considered, dis-

couraged the belief that such an area could be completely free from pressure. In the past, neutral areas had somehow fallen under Communist domination. The Koje prisoner-of-war camps had also at one time been controlled from afar by Communists. His Government had no doubt that in any neutral area no non-Communist prisoner could safely exercise his own volition, whereas the Communist prisoners would be able to do so, individually and collectively. With regard to the Mexican proposal, his Government found it difficult to accept the idea of placing in the custody of a third party prisoners of war who refused to go home, because North Koreans who refused to be sent back to the Communists were loyal citizens of the Republic. His country could not agree that such prisoners should be treated like alien prisoners of war by being removed temporarily to a foreign country.[6]

References to the Commission's reports were made during the general debate by the representatives of Australia, the Byelorussian SSR, Cuba, the Netherlands, New Zealand, Sweden, the USSR, the United Kingdom, the United States and Yugoslavia, among others.

The representatives of Cuba and the United Kingdom stated that they found the reports objective and frank. The representatives of Australia, Sweden, the United Kingdom and Yugoslavia drew attention to the fact that the reports showed that there were certain features of government in South Korea, particularly in connexion with the administration of the country, which they were unable to endorse; the representatives of Australia and the United Kingdom, however, felt that it should be borne in mind that independence had only recently been gained by the Republic of Korea and that the aggression had subjected it to difficulties, including economic difficulties, not of its own making. It was stated by the representatives of Australia, the Netherlands and New Zealand that the United Nations should continue to be represented in Korea for some time after the cessation of hostilities, in order to help the Korean people bring about that country's recovery.

The representatives of the Netherlands and Sweden approved the attitude adopted by the Commission. The representative of the Netherlands said that while the Commission had tried not to intervene in any internal political conflict in the Republic of Korea, the Commission could not remain inactive in the face of the existing political situation; it had acted wisely in seeking to safeguard the principles of democratic constitutional government, bearing in mind that, besides the sacrifices made by the South Koreans themselves, a number of countries had also made sacrifices of men and materials and would be called upon in the future to give further assistance to the Republic of Korea. He stated that his Government agreed with the conclusions reached by the Commission in its reports. The representative of Sweden considered that undemocratic methods used by the South Korean authorities had had an unfavourable effect on the willingness of other countries to make contributions to the work of rehabilitation of Korea.

The representative of the United States said that in considering the reports of UNCURK, the Committee should take a long and broad view of the whole of the Korean question as it had developed from the beginning. He referred also to the economic burdens placed upon South Korea by the separation of the industrial area of the North, by the influx of refugees from the North and by the problems arising from the war.

The representatives of the Byelorussian SSR and the USSR, on the other hand, could not commend the work of the Commission.

The representative of the USSR stated that the Committee's consideration of the reports had, in fact, turned into a debate on the problem of bringing to an end the war imposed on the Korean people.

The representative of the United States, he said, had tried to pass over facts mentioned by the Commission because they would have denied the United States representative any possibility of praising the Syngman Rhee regime. The Commission itself, he maintained, had been unable to conceal the sanguinary character of that regime.

He charged that this regime, with the support of the United States, had, among other things, suppressed democratic elements and had resorted to police terrorism and mass executions. The living conditions of the people in South Korea had, he said, deteriorated, but wealthy landowners and industrial companies had increased their profits.

The representative of the Republic of Korea denied the allegations of the USSR representative. He stated, among other things, that steps had been taken not against the democratic movement but against people engaged in violently subversive activities, arson and murder. With regard to the failure of South Korea to be self-supporting in foodstuffs, he pointed out that land reforms had put an end to landlordism and said that the crop failures were due to the war and severe droughts.

[6] For the views of the Representative of Korea on the Indian draft resolution, see under (4) below.

As for the unification and rehabilitation of Korea, the representative of the USSR stated that the Commission set up to help solve that problem had not carried out its mission. It seemed, in fact, as if the Commission had been set up to confuse world public opinion. Unification was impossible when a war leading up to the accentuation of the division of the country had been imposed on the Korean people. No rehabilitation could be envisaged while towns and villages were being constantly bombarded.

The representative of the Byelorussian SSR, maintaining that the Commission had been illegally established, said that its reports revealed it as the servant of the United States. It had attempted to justify that aggression to support Syngman Rhee and to spread lies about the People's Democratic Republic of Korea and the People's Republic of China. A number of representatives had praised the Commission as wise, dignified and honourable. In its reports, however, it had argued in favour of unification on the basis advocated by Syngman Rhee, namely the extension of the jurisdiction of the Government of South Korea. Even the Commission had been unable to ignore the corruption and had referred to the political disorders which had undermined the stability of the country, admitting that the disregard of law could lead to a form of dictatorship. The gentleness of the criticism was accounted for by the necessity for the Commission to represent the South Korean regime as a democratic one, he stated. The only reason, he said, why the Commission recommended the extension of the jurisdiction of the South Korean Government was its desire to aid the United States aggressors in dispelling the growing feeling throughout the world of the senselessness of the Korean adventure.

The Commission had done nothing to end the war, the representative of the Byelorussian SSR stated; instead it had demagogically asserted that reports of an armistice had produced widespread gloom in South Korea where there was a desire to wage war in order to unify the country. Thus, the Commission demanded the continuation of hostilities, as did the propaganda of Syngman Rhee. The reports were neither truthful nor unbiased, he maintained.

(2) Draft Resolutions Before the First Committee[7]

Draft resolutions before the Committee were as follows:

(a) JOINT 21-POWER DRAFT RESOLUTION

Under the terms of the joint 21-Power draft resolution (A/C.1/725) by Australia, Belgium, Canada, Colombia, Denmark, Ethiopia, France, Greece, Honduras, Iceland, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, the Philippines, Thailand, Turkey, the United Kingdom, the United States and Uruguay, which came before the Committee at its 512th meeting on 24 October, the General Assembly would reaffirm the earnest intention of the United Nations to reach a just and honourable settlement of the Korean conflict and note, with approval, among other things: (a) the efforts of the United Nations negotiators to achieve a just and honourable armistice to bring an end to the fighting in Korea in accordance with United Nations principles; and (b) the principles followed by the United Nations Command with regard to the question of repatriation of prisoners of war, and numerous proposals which the United Nations Command had made to solve the questions in accordance with humanitarian principles.

In its operative part, the draft would:

(1) call upon the Central People's Government of the People's Republic of China and the North Korean authorities to avert further bloodshed by having their negotiators agree to an armistice which recognized the rights of all prisoners of war to an unrestricted opportunity to be repatriated and which avoided the use of force in their repatriation; and (2) request the President of the General Assembly to transmit the resolution to the Central People's Government of the People's Republic of China and the North Korean authorities and to report to the Assembly as soon as he deemed appropriate, during the current session, on the result of his action.

(b) USSR DRAFT RESOLUTION

Under the USSR draft resolution (A/C.1/729), submitted to the Assembly at its 514th meeting on 29 October as an alternative to the 21-Power draft, the Assembly, having considered the report of UNCURK, would consider it necessary:

(1) to establish a commission for the peaceful settlement of the Korean question consisting of the United States, the United Kingdom, France, the USSR, the People's Republic of China, India, Burma, Switzerland, Czechoslovakia, the People's Democratic Republic of Korea and South Korea; and (2) to instruct this commission to take immediate steps for the settlement of the Korean question on the basis of the unification of Korea, to be effected by the Koreans themselves under the supervision of the above-mentioned Commission, such steps to include extending all possible assistance in the repatriation of all prisoners of war by both sides.

At a later stage in the discussions the representative of the USSR introduced an additional paragraph (A/AC.l/729/Rev.l/Corr.l and Rev.-1/Corr. 1/Add.1) to this draft resolution, by which the Assembly would recommend to the belligerents

[7] For the Indian draft resolution (A/C.1/734), the amendments to it and the views expressed, see section (4) below.

in Korea an immediate and complete cessation of military operations on land, by sea and in the air, on the basis of the draft armistice agreement already approved, the question of the complete repatriation of war prisoners to be referred for solution to the proposed commission, in which all questions should be decided by a two-thirds majority.

(c) MEXICAN AND PERUVIAN DRAFT RESOLUTIONS

On 3 and 5 November, at the 518th and 519th meetings of the Committee, draft resolutions were submitted by Mexico and Peru, respectively.

The Mexican draft resolution (A/C.1/730), among other things, would request the President of the Assembly to invite, through the channels that he might deem appropriate, the Military Commanders of the North Korean and Chinese forces in Korea to consider the following general bases for the exchange of prisoners of war:

(1) prisoners held by either of the parties, who had voluntarily expressed their desire to return to the country of their origin, would be repatriated without delay upon the conclusion of the armistice;

(2) other prisoners who desired to establish temporary residence in other States would not return to the country of their origin until the coming into force of the decisions adopted in the political conference that would take place after the armistice, in conformity with the agreement reached by the Military Commanders, on point 5 of the armistice agenda;

(3) pending the entry into force of the decisions of this conference, the situation of the prisoners wishing to reside temporarily in countries other than their countries of origin, should be governed by the following rules: (a) the Assembly would negotiate with each State agreeing to participate in the plan envisaged in the resolution on the number of prisoners which such a State might be prepared to receive in its territory, as well as on the conditions inherent in their admission; (b) once the refugees were in the country of temporary residence, the authorities of that country should grant them a migratory status which would enable them to work in order to provide for their needs;

(4) when the time came for their repatriation in accordance with the provisions of (2) above, the authorities of the countries of origin would grant facilities for the return of the ex-prisoners of war and would furnish guarantees for the subsequent protection of their freedom and their lives; and

(5) in the case of those ex-prisoners of war who, by virtue of the resolution, were provisionally residing in another country and who expressed their desire to return to their country of origin before the provisions of paragraph (2) took effect, the United Nations would provide the means to carry their wishes into effect.

Under the Peruvian draft resolution (A/C.l/-732), the Assembly would, among other things:

(1) set up a five-member commission, on which each of the parties to the conflict would be represented by one delegate; the Assembly, for its part, would appoint two delegates to the commission and would invite the collaboration of a neutral State, not a Member of the United Nations, to be a member of the commission and to serve as its chairman;

(2) the commission would immediately take steps to co-operate in the repatriation of prisoners in accordance with their freely expressed wishes;

(3) prisoners not wishing to be repatriated would remain under the protection of the commission in a neutralized zone for so long as no provision had been made for their future; and

(4) the commission would propose to the United Nations at the earliest possible moment the most suitable measures for the final decision on the future of the prisoners remaining under its protection, one of the measures to be considered being their transfer to the territory of such Powers as were prepared to receive them, or their settlement in Trust Territories in agreement with the Administering Power concerned; prisoners would, in any event, be free to make a decision later concerning their return to their place of origin.

(3) Views Expressed in the first Committee

(a) UNITED STATES SURVEY AND VIEWS EXPRESSED IN SUPPORT OF THE 21-POWER DRAFT RESOLUTION AND AGAINST FORCIBLE REPATRIATION

The general debate in the First Committee was opened by the representative of the United States, who, among other things, gave a survey of past events in Korea, discussing the question of responsibility for the outbreak of hostilities, the negotiations for a cease-fire at Panmunjom and the responsibility for the deadlock in those negotiations. A number of representatives expressed agreement with the account given by the United States and disagreed with that given by the USSR (see below). Several representatives expressed support of the 21-Power draft resolution, and the majority opposed any forcible repatriation of prisoners of war.

Introducing the 21-Power draft resolution, the representative of the United States reviewed the history of the Korean question since the Cairo Conference of 1 December 1943. He said that early hopes for the establishment of a unified, independent and democratic Korea had been frustrated when, in the United States-USSR Joint Commission, the USSR had denied the right of the Korean people to free expression of their will. Consequently, the United States had in 1947 referred to the United Nations the matter of redeeming the pledges of Korean independence. The Government of the Republic of Korea had been established as the result of elections observed by the United Nations. But a "people's republic" had been arbitrarily established in North Korea and had never given its subjects an unfettered opportunity to decide upon its claim to rule, he stated.

Attempts had thereafter been made to subvert the Republic of Korea by political and guerrilla warfare while a United Nations Commission was being maintained in Korea to promote the country's unification.

The United States representative then reviewed the aggression against the Republic of Korea, and the role of the United Nations in the question, including achievement of its immediate objective to halt and throw back the aggression, and the establishment on 7 October 1950 of UNCURK to seek to bring about a unified, independent and democratic government for the whole country. He emphasized that the United Nations had done everything possible to bring about peace while the aggressors had done nothing but impede those efforts, and that the aggressors had friends in the United Nations who were present in the Committee and were active on their behalf.

These facts, he said, were cited to supplement the reports which his Government had submitted under the Security Council resolution of 7 July 1950 by which the United States had been asked to organize the Unified Command in Korea. The United Nations Command had also submitted a special report (A/2228) on 18 October 1952.[8]

In the negotiations for an armistice, he stated, the United Nations Command had had three main objectives: (1) to bring the fighting to an end on a basis which would achieve the purpose of repelling the aggression; (2) to secure the maximum assurance against a renewal of the fighting; and (3) to bring about a fair exchange of prisoners. After agreement had been reached on a military demarcation line and on a recommendation for a political conference, which would be held three months after an armistice and would discuss the withdrawal of foreign troops from Korea, the outstanding issues in connexion with arrangements for a cease fire and its supervision had at long last been reduced to the questions of the rehabilitation of North Korean airfields, the composition of an impartial inspection commission and the treatment of prisoners. The United Nations Command had put forward a package proposal, which provided: (1) that the Command would give up its insistence that the airfields should not be rehabilitated; (2) that the inspection commission would be composed of Sweden, Switzerland, Poland and Czechoslovakia; and (3) that no prisoner would be forcibly repatriated. That proposal had been rejected. From that time on, the discussions had revolved around the prisoner-of-war question. The United Nations Command would have been quite satisfied to have all prisoners returned, provided no humanitarian considerations prevented such returns. Useful proposals had been made by the Government of Mexico and many others, but they had all come to grief upon the Communist insistence that prisoners must be forced to return.

From the very beginning, the United States representative said, the United Nations Command had observed the provisions of the Geneva Convention of 1949. It had promptly sent lists of prisoners to the International Committee of the Red Cross which, in turn, had sent those lists to the other side. Some 170,000 names had been sent in. Subsequently it was discovered that during the large-scale surrenders by the North Korean Army and the mass movement of refugees from the North, over 37,000 persons who were not prisoners at all had been sent into prisoner-of-war camps. These civilians had been reclassified and set free. The International Committee was later informed of those persons by name and a revised list, containing some 132,000 names, was given to the Chinese-North Korean side. Subsequent checking of the revised list revealed that some 11,000 of those listed there were citizens of the Republic of Korea improperly classified as prisoners of war, and they too were being released. The United Nations Command therefore had in custody as prisoners of war about 121,000 persons. On the other hand, the Chinese-North Korean practice had been not to inform the International Committee of the Red Cross or the United Nations Command, through any channel, of the names and numbers of prisoners of war, as required by law. When they finally had agreed to do so, they had listed 11,500, including all Koreans and all United Nations Command personnel. That was disappointing because, on 8 April 1951, the Chinese-North Korean side had announced over the radio that they had captured 65,000 prisoners in the first nine months of hostilities. When asked about the difference between the 65,000 and 11,500, they said the difference was accounted for by people who had been "re-educated" at the front so quickly that it was impossible to get their names. They had joined the North Korean Army.

The United Nations Command had also admitted the International Red Cross Committee to its camps, given it every facility to investigate and had promptly met any criticism. The other side, besides not giving lists of names, had, he said: (1) failed to appoint a protecting Power or body such as the Red Cross; (2) rejected the efforts of the latter to enter their camps; (3) refused to exchange relief packages; (4) until very recently, refused to exchange mail and now permitted

[8] See pp. 165-66.

it only on a very limited scale; (5) refused to report on the health of prisoners; (6) refused to exchange the seriously sick and wounded as required by the Geneva Convention; (7) failed to give the accurate locations of their camps and failed to mark them properly; and (8) situated their camps in places of danger near legitimate military targets, in defiance of the Geneva Convention.

Turning to the origin of the question of the repatriation of the prisoners of war, the representative of the United States said that, as increasing numbers of prisoners were taken, it was learned that more and more of them believed that, if they were returned, they would be executed, imprisoned or treated brutally. They therefore took the position that if an attempt were made to exchange them, they would resist it by force. To the United Nations Command and to all governments whose troops were in Korea it was unthinkable that force should be used to drive into the hands of the Chinese-North Korean Command persons who would resist that return by force. So far as he knew, there had been no Member of the United Nations outside the Communist group that had ever suggested that it was right, proper, legal or necessary to return those prisoners by force. The magnitude of the problem had not been known until the interrogation period in April 1952. The numbers who held those views and the violence with which they held them made it clear that it would not only be highly immoral to force their return but that it would also require a military operation of no inconsiderable proportions. The representative of the United States added that the Unified Command had throughout taken the view that all prisoners in its possession were entitled to the opportunity to be repatriated, regardless of the vast numerical disproportion involved in the exchange.

In seeking a solution to the problem, the first step had been to find out what the prisoners thought and whether or not they would resist by force their repatriation, the United States representative said. The Communists now claimed that it was wrong to find that out, despite the fact that they had agreed to the interrogation in April 1952 and had issued an amnesty proclamation, to influence, if possible, the decision of the prisoners. The prisoners had been encouraged to agree to repatriation; warned of the possible consequences to their families in the Communist area if they did not return; and given no promises about their future if they were not repatriated. If there was doubt whether a prisoner would resist repatriation, he had been put in the group which had agreed to return home. Only when an interrogator was convinced that the prisoner would violently resist repatriation had the prisoner been classified as not available for repatriation. The original screening of prisoners of war in April 1952 had applied only to those in camps where such interrogation was permitted. In some of the camps, the Communist leaders had refused to permit any interrogations and such interrogations had not been possible until later. The first results had shown that 70,000 would be available for repatriation. In camps in which it had not been possible to carry on an interrogation, it had been estimated that most of the prisoners would want to return. Even in such camps, however, 1,000 prisoners had escaped from their leaders at the earliest opportunity. A considerable number who had attempted to escape had been murdered by their own fellow Communist prisoners. Subsequently, the United Nations Command had completed the interviewing of all prisoners and reported that 83,000 (76,600 Koreans and 6,400 Chinese) were available for repatriation. The United Nations Command had said over and over again that it was willing to have that screening redone by any impartial body in the world. When those figures had been announced, the Communist leaders had inspired disturbances at the Koje camps in order to discredit the United Nations Command and the interrogation.

Turning to the repatriation question in the light of international law and practice, the United States representative stated that the United Nations Command had fully and faithfully abided by the provisions of the Geneva Convention, according to which—subject to special agreements which did not derogate from the rights of prisoners—"the prisoner shall be released and repatriated if he is sick and it is established that he is out of the battle". The others were to be dealt with at the end of hostilities. The ordinary presumption, which was true in a large number of cases, was that the prisoner wanted to go home. The Geneva Convention gave the prisoner the right and the opportunity to do so. On the other hand, there was nothing in that Convention to imply that a prisoner of war must be forced at the end of a bayonet to go back when he did not want to go. That very question, he stated, had been discussed in 1949 when, with a view to enlarging the existing recognized international practice, some delegates had claimed that the Convention should give the prisoner of war the absolute right to stay, if he so wished, in the detaining State. This proposal had been rejected and the Convention had maintained the practice that the

detaining State retained discretion to grant or refuse asylum. The right of a Power to grant asylum to prisoners of war which it detained and the thesis that forced repatriation was in no way admissible had, moreover, been recognized by the Soviet Union itself in the Brest-Litovsk Treaty and in numerous other treaties signed between 1918 and 1921.

The representative of the United States emphasized that the following alternative procedures had been offered during the armistice negotiations by the United Nations Command in connexion with its package proposal: (1) joint Red Cross teams from both sides, with or without military observers from both sides, should be admitted to the camps of both sides to verify whether alleged non-repatriates would, in fact, forcibly resist return to the side from which they come; (2) all prisoners of war on both sides should be delivered in groups to a neutral area and should there be given an opportunity to express their attitude towards repatriation. That attitude could be expressed to and ascertained by any one or any combination of the following groups: the International Committee of the Red Cross; teams from impartial nations; joint military teams from the Communist side and the United Nations side; or joint Red Cross teams. On 28 September 1952 three variations of the latter suggestion had been made. One was that the armistice agreement should state that all prisoners were entitled to be released and repatriated. The obligation of the two military sides would be discharged by taking a prisoner to the agreed neutral place, where he would be identified and his name checked against the agreed list of prisoners of war, and at that time any prisoner who indicated that he wished to return to the side which had detained him would be permitted to do so and would be released. The United Nations Command had thought that that suggestion met almost all difficulties. Another suggestion was that prisoners who would not resist repatriation should be expeditiously exchanged, and all prisoners who had indicated that they would forcibly resist repatriation would be delivered to the demilitarized zone in small groups, where they would be entirely free from the military control of either side. They would then be interviewed by representatives of a mutually agreed country or countries not participating in the Korean hostilities, and they would be free to go either north or south. Yet another suggestion was that there would be no interviewing. The prisoners would be taken in small groups to the neutral zone and told that "'that was North Korea and that was South Korea" and would be allowed to go whichever way they wished.

Those suggestions, the representative of the United States said, had all been rejected on 8 October. The USSR representative had stated a number of times that, on that date, new proposals had been introduced by the Chinese-North Korean side, but the fact was that they were the same as those made for the last five months. The senior United Nations armistice negotiator, General Harrison, had therefore recessed the discussions at Panmunjom, while expressing his willingness to return at any time when the Chinese-North Korean side either indicated that it would accept one of the United Nations proposals or present new proposals of its own in good faith. Nothing of the kind had happened. As to the proposals contained in the letters from the Chinese-North Korean side, the texts of which were included in a communication dated 20 October 1952 (A/-2230) addressed to the Secretary-General by the United States representative, they also amounted only to a reiteration of the principle of forcible repatriation.

The United States delegation and some of its associates in the United Nations believed therefore, said the United States representative, that a preliminary step in the consideration of the Korean question was to determine, if possible, whether the Communists really wished to have an honest armistice in North Korea. It seemed to them that it would be wise to have the General Assembly affirm the principle of non-forcible repatriation as representing the will of that body. To that end, the United States delegation had joined with the delegations of the 21-Powers in presenting a draft resolution (A/C.1/725).

In the subsequent discussions, a number of representatives expressed agreement with the account of events given by the United States. Representatives of countries with forces in Korea, in particular, stressed their support of the principle of collective security in accordance with the provisions of the Charter. The majority of representatives also opposed the forcible repatriation of prisoners of war and supported the United States interpretation of the Geneva Convention as not providing for such forcible repatriation.

On this point, the representative of the United Kingdom stated that article 118 of the 1949 Geneva Convention provided that prisoners of war should be released and repatriated without delay after the cessation of hostilities, and that this meant that the release of the prisoners should precede their repatriation. Forcible repatriation would involve precisely the opposite of release,

since it would necessitate continued detention of the prisoners until they were delivered to the authorities of their own countries. As to article 7 of the Convention,[9] its obvious purpose was to prevent prisoners from being forced by the detaining authorities to renounce their right of repatriation, the United Kingdom representative said. The authors of that provision had certainly not intended, however, to impose on States the obligation of delivering prisoners to political persecutors. The concept of forcible repatriation introduced an element foreign to the normal idea of repatriation. A detailed study of the Convention led irresistibly to the conclusion that it had been drawn up in the interests of the prisoners of war and in order to protect individual rights. The aim of the United Nations Command, he emphasized, was not an arrangement for allowing prisoners to decide arbitrarily where they wished to go, but one under which they should not be compelled to go to a country where they thought that their lives and freedom would be in danger. He invited the representative of the USSR to state frankly: (1) whether he agreed that the only current obstacle to the conclusion of an armistice was the question of whether all prisoners of war must be repatriated, if necessary by force; (2) whether the Government of the USSR considered that all prisoners of war must be repatriated, if necessary by force; (3) whether he interpreted the letter sent to General Clark, the Commander-in-Chief of the United Nations Command, on 16 October 1952 by the Supreme Command of the Chinese-North Korean armies as a demand for the repatriation of all prisoners of war, by force if necessary; and (4) if he thought that the letter referred to contained new proposals, would he state them.

In connexion with the screening of the prisoners of war, the representative of the United Kingdom affirmed that he had observed on the spot that a large number of prisoners had considered that their lives might be in danger if they were forced to return to their country. He added that he had inquired about the methods used during the screening and had found that the procedure had been a genuine endeavour to ascertain the true state of mind of the prisoners. The representative of Peru also observed that even if it were true—which he maintained it was not—that some pressure had been exercised by the United Nations Command against the prisoners, it was the future that should be considered, and the repatriation commission could be relied upon to discharge its functions honestly with due respect for the Geneva Convention.

The representative of France said that the repatriation of all prisoners on the conclusion of hostilities ought to remain the general rule. The rule had developed in a period when national wars had not been ideological in character and it had been scarcely conceivable that a prisoner should prefer exile to repatriation. It was also designed to prevent a victorious country from abusing its power to retain prisoners indefinitely. It would be a distortion, however, of both the aim and the scope of the Geneva Convention to turn the inalienable right of all prisoners to repatriation into an obligation to use force or violence in order to repatriate them against their will. That principle could not be extended in such a way as to defeat its own purpose. The problem might perhaps be solved on the basis of principles similar to those followed by the English-speaking countries with regard to conscientious objectors, principles which endeavoured to reconcile respect for the individual with the demands of national duty. Conscientious objectors were granted an exceptional status only after a long and thorough inquiry into the sincerity and compelling nature of their religious or philosophical convictions. Those principles seemed to have been respected by the United Nations Command. Each of the proposals submitted by the Command would enable Chinese and North Korean observers to check each individual case and would give them an opportunity to persuade each of their fellow-countrymen to return home. Hitherto, however, those proposals had been rejected en bloc.

The representatives of Australia, Belgium, Canada, Colombia, Ethiopia, Greece, the Netherlands, New Zealand, Nicaragua, the Philippines, Turkey and Uruguay also expressed their views as co-sponsors of the 21-Power draft resolution. They endorsed the statement of the United States representative and stressed that, while each prisoner had the right to be repatriated, nothing could be found in international law supporting the principle of forcible repatriation and, particularly, that since the whole purpose of the Geneva Convention was to protect the interests of the prisoners, it could not be argued that giving them more favourable treatment than demanded by that Convention was forbidden by the Convention. They also stressed that, in order to allay all fears that pressure might be applied to induce prisoners to refuse repatriation, it was necessary

[9] Article 7 of the Geneva Convention declared that "prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present convention and by the special agreements referred to in the foregoing article, if such there be".

to place them in a position where their decisions would be free from all constraint. The 21-Power draft resolution offered, in their view, many possibilities for a solution, if the parties were honestly willing to co-operate. The representative of Canada observed that if there were any basis for the charges of terrorism on the part of the Unified Command to force the prisoners to refuse repatriation, the Unified Command would be making every effort to prevent a free expression of views by prisoners before impartial bodies, rather than propose an impartial investigation.

Support for the draft resolution was expressed by the representatives of China, Costa Rica, Cuba, the Dominican Republic, El Salvador, Panama and Sweden. As regards the ultimate objectives of the United Nations in Korea, its unification and rehabilitation, which a number of representatives had called to the attention of the Committee, the representative of China said that the present armistice negotiations were desirable only in so far as they constituted a step towards the restoration of and not an obstacle to peace. An armistice was not an end in itself. What was more important was that adequate safeguards be provided for the security of the Republic of Korea.

The representative of Israel emphasized that the United Nations objective in Korea was, in fact, the political unification of that country by peaceful methods, not necessarily by the use of force. In that connexion, recent statements by the Government of the Republic of Korea appeared to indicate that it failed to recognize the objective and the limitations of the action undertaken by the United Nations in the peninsula.

The representatives of Egypt, Israel, Lebanon, Pakistan and Yugoslavia endorsed the principle of non-forcible repatriation of prisoners of war. The representative of Pakistan observed that the Geneva Convention clearly stipulated that prisoners were entitled to demand and obtain repatriation but was silent on the particular problem before the Committee for the reason that the problem had not existed nor had it been foreseen at the time. It was essential, however, to bring hostilities to an end while the problem of repatriation was subjected to thorough study, he said. The representative of Israel suggested the inclusion in the 21-Power draft resolution of a statement stressing that there could be no question of forcible retention of prisoners of war.

Some representatives also stated that forcible repatriation would constitute a violation of the Universal Declaration of Human Rights adopted by the General Assembly in 1948.

The representative of China said that the so-called Chinese volunteers in Korea were either regular units of the Chinese Communist forces or persons impressed into the service by the Chinese Communist regime in Peiping. It was known, however, that a number of them did volunteer to go to Korea in the hope that they might work themselves across the lines and surrender to the United Nations forces and thus regain their freedom. It was hardly necessary for him, he said, to point out that no request of any kind had been made by his Government for the repatriation of Chinese prisoners of war to Taiwan (Formosa). It was premature in any case for such requests to be made by any government at the present stage.

He doubted seriously if the Communists would ever agree to the principle of voluntary repatriation. It was their design that those prisoners who dared to choose freedom should be returned and liquidated so that, in future wars of aggression, they would not encounter any defection. That, he considered, was why they had rejected the reasonable proposals made by the United Nations Command.

At the close of the general debate, the United States representative stated, inter alia, that the discussion had shown a wide agreement on the following points: (a) aggression had been stopped; (b) there would be no need for or purpose in continuing hostilities if the aggression ended, provided there were safeguards that aggression would not be renewed and an honourable agreement were reached on the military questions leading up to an armistice. He also called attention to the approval evinced of the efforts of the United Nations Command in the armistice agreement and the almost complete unanimity among delegations that force should not be used either to return or to detain prisoners of war.

Stating that the sponsors of the 21-Power draft resolution welcomed other constructive suggestions, he referred to the valuable contributions made by the Mexican and Peruvian proposals as well as by other delegations. He criticized, however, the stand taken by the USSR representative (see below), stating that he had resorted to every technical legal argument to extract from a treaty, the Geneva Convention, results which supported the Communist stand on the prisoner question, on behalf of China and North Korea, which had violated almost every provision of that Convention.

The USSR draft resolution was not helpful, the United States representative said. It did not accept the principle that no force should be used. It

confused military and political questions. There could be no cease fire which did not provide for the return of the United Nations Command prisoners and settle the prisoner-of-war question.

During the discussions, other supporters of the 21-Power draft resolution also criticized the USSR draft.

The representative of Canada considered that it was vague and did not seem to address itself to the problem blocking the armistice. By calling for the establishment of a commission, it only added to the confusion. He asked: (1) when, where and by whom would the prisoner-of-war issue be discussed if the USSR draft resolution were adopted? (2) would the progress made at Panmunjom have to be abandoned and entirely fresh negotiations undertaken by the commission? (3) would the commission be created before an armistice had been reached, or would the cease-fire talks continue while the commission discussed other problems related to the "peaceful settlement of the Korean question" which both sides had agreed to do within three months of an armistice? and (4) were the political discussions to begin before an armistice, or would the commission come into being only after an armistice? He considered that, in the absence of further explanation, there seemed to be nothing new in the Soviet Union draft resolution. At the previous session, he recalled, the Assembly had decided to defer consideration of the Korean situation until there was an armistice. That priority surely still obtained.

The representative of Israel, supporting that statement, suggested that, instead of voting immediately on the USSR draft resolution, the Assembly should recommend that consideration of that proposal should take place in strict accordance with paragraph 60 of the tentative draft armistice agreement, namely within three months from the effective date of the armistice and possibly during a special session of the Assembly, which could consider the composition and terms of reference of a commission which might institute a political conference in accordance with the objectives of the USSR draft resolution.

Among the representatives who opposed the argument of the representative of the USSR that a prisoner of war remained duty bound to the State to whose military forces he belonged when taken prisoner (see below), the representative of Peru stated, inter alia, that no national link bound the South Koreans enrolled by force in the North Korean army and similarly no link of the fatherland existed between the Chinese "volunteers" and the State of North Korea. Furthermore, if the representative of the USSR now spoke about a State link between the Chinese "volunteers" and the Government of the People's Republic of China, he would refute his delegation's own emphatic affirmations in 1951 regarding the complete absence of State relations between the Government of Communist China and the Chinese "volunteers".

The representative of Australia observed that the great majority of the Members of the United Nations believed in human freedom and considered it inconsistent with their concept of humanity, as well as the concept of human rights set down in the Charter, that force should be applied to compel a prisoner of war to return home. The contrary viewpoint was based, he said, on the concept of a totalitarian State. It was that the citizens of a State had no rights, except through the State, and that prisoners of war belonged to the State from which they had been captured and to which they had to be returned.

(b) USSR SURVEY AND VIEWS EXPRESSED IN FAVOUR OF THE USSR DRAFT RESOLUTION AND OPPOSING THE 21-POWER, THE MEXICAN AND PERUVIAN DRAFTS

The representative of the USSR, whose statement followed that of the representative of the United States at the opening of the general debate, also gave an account of past events in Korea and discussed the question of responsibility for the outbreak of hostilities. The views expressed in this statement, which were in opposition to those expressed by the representative of the United States, were supported by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, who also declared their support for the Soviet draft resolution.

These representatives also expressed criticism of the 21-Power draft resolution as unlikely to lead to a settlement in Korea, and of the Mexican and Peruvian draft resolutions.

The representative of the USSR considered that the review of the Korean question by the representative of the United States was a complete distortion of events since the Cairo Conference in 1943. After the Second World War, he said, the United States had wanted to stifle the South Korean democratic movement towards the unification of the country and towards independence on the basis of democratic institutions. The United States had decided to violate its obligations towards its allies and the co-signatories of the Moscow Agreement and in order to perpetuate the division of Korea, they had alleged that agreement with the USSR was impossible and had accordingly ceased all co-operation with the Soviet Union in Korea. The allegations of subversive action directed

against Syngman Rhee were merely an attempt to divert popular opinion from the anti-democratic methods applied in South Korea by the United States authorities with the support of reactionary elements, feudal landowners and notorious collaborators with Japan. The attack by the South against the North had been premeditated and the attempts of the United States delegation to deny that aggression had failed in the face of the evidence furnished by the USSR delegation at the fifth session of the General Assembly.

Turning to the question of the prisoners of war, he stated that ever since 12 December 1951 the Chinese-North Korean Command had been proposing that prisoners of war of both sides should be released and repatriated as soon as possible after the armistice was signed, that repatriation commissions should be set up and that lists of war prisoners should be exchanged. Instead of answering that proposal, the United States delegation had issued an ultimatum concerning both information on war prisoners and inspection of prison camps by the International Committee of the Red Cross. On 18 December the Chinese-North Korean Command had submitted a list of 11,500 prisoners, and the United States Command had submitted a list of 132,000 prisoners, although earlier it had given the International Committee of the Red Cross a list of 176,000 names. The representative of the United States had explained that the difference of some 44,000 between the two totals was due to the fact that some prisoners had been released as civilian internees of South Korea. That was a strange explanation, since any prisoner of war could be regarded as a former civilian. There had then been a second explanation—that the 44,000 prisoners were really South Koreans who had been mobilized into the North Korean armies. The United States delegation to the armistice negotiations had finally been forced to submit the necessary information on more than 132,000 prisoners. There was a discrepancy between that figure and the latest figure of 121,000 prisoners given by the representative of the United States. The reason for the difference had become apparent from the statement on 30 December 1951 by the United Nations Commander, General Ridgway, that nearly 7,000 Korean and Chinese prisoners had died in United States camps. All that, as well as the United States demand for an exchange of prisoners on the basis of equal numbers, had had an adverse effect on the course of the negotiations, he said.

The greatest obstacle, however, had been the demand of the United States that the International Committee of the Red Cross should be empowered to make certain that the decision of war prisoners and civilians in favour of repatriation had not been made under duress, the representative of the USSR stated. Such a demand ran directly counter to the principles of international law. The Chinese-North Korean Command had naturally rejected such demands, together with the United States proposals that all prisoners of war who had been citizens of South or North Korea before 25 June 1950 should be regarded as civilians. The purpose of that scheme had been to detain such prisoners of war, reclassified as civilians, and to use them in the armed gangs of Syngman Rhee and Chiang Kai-shek. On 21 March 1952 the Chinese-North Korean Command had made another attempt to reach an agreement. It had proposed that, immediately after the armistice, the 11,500 prisoners in North Korean hands and the 132,000 prisoners in United States hands should be released after the lists of names had been checked by both sides. On 25 March the United States Command had said that those proposals might provide the basis for a solution. Accordingly, the Chinese-North Korean Command had submitted a concrete proposal for the return to their places of residence of all war prisoners of other than Korean nationality who were in the hands of either side, and Korean war prisoners whose place of residence was not under the control of the side whose prisoners they were. The Korean war prisoners whose place of residence was in territory occupied by the side whose prisoners they were need not be exchanged if they wished to return home and lead a peaceful life.

During the negotiations from June to September 1952, the representative of the USSR continued, the parties had agreed in principle on: (1) article 51 of the draft armistice agreement, concerning the release and compulsory repatriation of all war prisoners on the basis of lists to be exchanged and verified; and (2) on article 52, providing that no released war prisoner could take part in future military operations. After first stating that it had 132,000 war prisoners in its hands, and then reducing that figure to 121,000, the United States delegation had proposed to repatriate only 83,000 Korean or Chinese prisoners. The Chinese-North Korean delegation had pointed out that the intention of the United States to retain a large number of war prisoners was contrary to those articles. The United States delegation, however, had declared that its proposals were final. In that connexion, the representative of the USSR recalled that, on 5 February 1952, the United States delegation had said that there would be no compulsory repatriation or exchange.

Events had shown, he said, that at that point the United States Command had taken steps to ensure that it would be able to retain war prisoners by force. The prisoners had been forced, by systematic terror and compulsion, to sign declarations that they did not wish to be repatriated. The United States Command had insisted on repeated interrogations, which showed both that the first interrogations had not had the desired results and that the United States Command was using coercion and pressure, contrary to the principles of international law. The representative of the USSR quoted a report of the International Committee of the Red Cross, published in the April 1952 issue of the Revue internationale de la Croix Rouge, which, he said, spoke of the unbearable regime in the American camps and described the bloody events of February and March 1952 in the camp on Koje Island. The report drew particular attention to the police methods and the brutality of the American troops. In the light of the action taken by those troops at dawn on 18 February 1952 against prison camp No. 62, the assertion that Communist agitators or leaders had committed acts of terrorism to force prisoners to be repatriated was hollow mockery. The document entitled "Our life is in danger. Help us to get out of this American Hell", signed by 6,600 prisoners on Koje Island, he said, also related the story of a series of massacres and pogroms between 19 and 23 May, during which hundreds of prisoners had been wounded, killed or hanged in camps Nos. 66 and 76 on Koje Island. More executions had taken place on Cheju Island on 2 October while the Chinese had been celebrating the third anniversary of their Republic. The claim that the truce talks in Korea were being hampered because a certain number of prisoners did not wish to be repatriated only masked the attempt made by the United States commander to oblige prisoners to waive repatriation and to impose on them a preliminary screening, he said. Neither the principles nor the practice of international law allowed compulsory interrogation and screening by force, as both of those actions were designed to deprive prisoners of war of the right to be repatriated.

The representative of the USSR said that the question of prisoners of war should be examined from three different aspects—moral, political and legal.

Morally, one should be guided by the principle that prisoners of war must freely express their wishes. It was clear, he said, that a defenceless man such as a prisoner of war did not have freedom of choice between remaining where he was or returning to his country. Propaganda, pressure and even violence might greatly alter his wishes. From the ethical point of view, all attempts to make the prisoner state his choice in that connexion should therefore be ruled out on principle.

From the political point of view, he added, a classification of prisoners of war into two groups—those who wished to be repatriated and those who did not—would undermine the political rights of States. It would be too easy to use against their country of origin those who did not wish to be repatriated.

Dealing with the argument of the United States representative that in some instances the USSR had not insisted on the return of all prisoners, the USSR representative said that the United States representative had referred to selected provisions of only some treaties, and had refrained from mentioning those which did not support his theory. On the other hand, he had not taken into account the historical events behind the treaties he had cited. Those agreements, in fact, represented the balance sheet of the fight which the new USSR had had to make against the old capitalist States which wished to destroy it. The real meaning of a treaty could not be understood by taking it out of its historical context. For instance, the Brest-Litovsk Treaty, which the Soviet Government had been compelled to sign, was one of the most predatory and forced treaties in history. The young Soviet State did not then have sufficient strength to oppose such demands.

The guiding principle of international law concerning prisoners of war, he said, was based on two facts: (1) the natural presumption that each prisoner of war wished to return to his country of origin, and (2) that the pacific settlement of disputes must not be delayed by the question of the repatriation of prisoners. It was essential that they should not be made the victims of unlawful or merely unreasonable measures which would deprive them of their right to repatriation. Article 118 of the Geneva Convention of 1949 stated that prisoners of war should be released immediately after hostilities had ceased and that, in the absence of provisions to the contrary in the agreements concluded by the parties in conflict, each of the Powers holding war prisoners should immediately implement a repatriation plan in conformity with the principles set out in the previous articles. Article 7 of the Convention provided that war prisoners could in no case waive the rights secured to them by the Convention. The text was mandatory on that point. The USSR representative recalled that the wording had not been adopted without certain difficulty.

The Austrian representative, he said, had made a suggestion diametrically opposed to that text and had tried to establish the right of prisoners of war to waive the right to return to their own countries. The USSR delegation had at that time taken a strong stand and had been fully supported by the United States delegation. The guiding principle of international law in that question should therefore be sought in the texts of those agreements. Article 7 of the Convention settled the whole matter, but not in the way presented by the representative of the United States in the First Committee. The Conference of 1949 laid down that it was the sacred right of every citizen to be able to return to his country. It was criminal to resort to plots and pressure—not to mention executions and violence—to prevent the person concerned from using that right.

The representative of the USSR also referred, among other things, to the Treaty of 1898 between Spain and the United States, to article 220 of the Treaty of Versailles, and to the Armistice concluded with Bulgaria, Romania and Hungary at the end of the Second World War which provided for the exchange of all prisoners of war without any reservation. The same principle, he said, was to be found in the text of the Peace Treaty signed with Italy and the German and Japanese Acts of Capitulation. The standards of international law excluded the theory which the United States Government wished to apply. The generally applied standards were also supported by legal doctrine.

The representative of the USSR said that the draft resolution (A/C.1/725) submitted by the United States and certain other countries taking part in the Korean war must be rejected as it would not lead to the peaceful settlement sought. The principal task in Korea was to end the war. The proposals submitted by the Polish delegation[10] (A/2229) were fully in keeping with that idea. The representative of the USSR stated that he wished to remedy the situation created by the fact that the First Committee in drawing up its agenda had decided, at its 510th meeting on 22 October, to consider these proposals separately at a later date. He had therefore submitted a draft resolution (A/C.1/729/Rev.1/Corr.1 and Rev.l/-Corr.l/Add.l).

Replying later in the debate to criticisms of this draft resolution, the representative of the USSR re-emphasized certain points he had made in his general survey. Among other things, he stressed: (1) that the true obstacle to peaceful settlement lay in the fact that the United States High Command was resorting to force and pressure to ensure that Chinese and Korean prisoners should remain in American hands; (2) that the screening procedure used by the United States Command was not impartial since the reply to the questions was indicated and ordered in advance—it was aimed at provoking prisoners against their own country; (3) that the United States, by insisting on the adoption of an unreasonable principle, was, in effect, presenting an ultimatum whose inevitable results must be the breakdown in negotiations and the continuation of the war; (4) that other delegations whose countries were participating in the Korean war only desired to help American ruling circles get out of the embarrassing situation in which they had placed themselves by making war on the Korean people, while disguising their true objectives by hypocritical statements; (5) that article 118 and article 7 of the Geneva Convention, respectively: (a) established the principle that repatriation should take place irrespective of the existence of any agreement and regardless of the consent of the prisoners, and (b) protected prisoners against any attempt to compel them to waive their right to repatriation; (6) that this interpretation had been accepted during the discussions leading to the adoption of the Convention; (7) that it was inconceivable that the fulfilment of commitments assumed by States in an international agreement should be conditional on the wishes of individuals to be repatriated; and (8) a serviceman taken prisoner underwent no change in legal status and therefore could not invoke the right of political asylum.

The facts, the representative of the USSR said, thus proved that: (1) the 1949 Geneva Convention and the previous 1929 Convention required the unconditional repatriation of all prisoners of war; (2) such requirement was so binding that, in the absence of similar provisions in special agreements entered into by the parties concerned, repatriation should be carried out under article 118 of the 1949 Convention; (3) the Convention contained no exceptions or reservations affecting the principle of the exchange and repatriation of prisoners of war under which prisoners should be released and repatriated immediately after the cessation of hostilities; (4) there were no provisions in the Convention or any similar conventions which would allow the detaining Power to delay the repatriation of any prisoner of war on the ground that he was unwilling to return to his country or that to do so might be dangerous; (5) the attitude of the United States Command

[10] The consideration of these proposals, entitled "Measures to avert the threat of a new world war and to strengthen peace and friendship among the nations", was deferred to the second part of the seventh session.

in Korea and of the Governments supporting it was in flagrant contradiction of the 1949 Geneva Convention and the generally accepted principles of international law governing the repatriation of prisoners of war; (6) reference to the refusal of some prisoners of war to be repatriated had no legal value; such refusal was a natural result of the measures taken by the United States Command against the Korean and Chinese prisoners of war.

The problem of exchange of prisoners of war could be explained, said the USSR representative, by the general trend of United States foreign policy. One needed only to recall the law of 10 October 1952 which, he said, provided for financing of terroristic activities against the democratic countries. Such activities required a nucleus of men who could be equally recruited among the prisoners of war as among the terrorists who had fled from the wrath of the people to the capitalist countries as "displaced persons". This was the line of the policy which determined the stand of the United States Command in the matter. The fact that an attempt was being made to conceal this policy behind all sorts of considerations did not alter the facts. There could be no doubts that any State signatory to the Geneva Convention wishing earnestly to fulfil its obligations under the Convention would not have to resort to arbitrary screening or other excesses against the prisoners of war in its hands.

The USSR representative, therefore, opposed the 21-Power draft resolution; it was, he said, in reality an effort to substitute the question of forced repatriation for that of compulsory screening.

He also expressed opposition to the Mexican and Peruvian draft resolutions. The Mexican draft, he said, departed from the 1949 Geneva Convention by making repatriation dependent on the prisoners' decision, opened the door to every kind of abuse and permitted the coercion of prisoners of war. The Peruvian draft resolution also contained certain unacceptable provisions, which hardly differed from the proposals of the United States Command. It upheld the principle of the screening of prisoners of war and was therefore also incompatible with the principles of international law. The first operative paragraph of this draft provided for the creation of a five-member commission, but it did not provide for the participation of States directly concerned and other States, including those which had not taken part in the war in Korea. His delegation could not support such a proposal any more than it could agree with the definition of the duties of the commission.

Statements along similar lines, calling for the adoption of the USSR draft resolution and the rejection of the 21-Power draft resolution as well as the draft resolutions of Mexico and Peru, were made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR. The latter two draft resolutions, they stressed, were unacceptable because they retained the concept of voluntary repatriation of the prisoners.

The representative of Poland stated that the resistance of the prisoners in the camps was the best evidence of the falsity of the claims about their refusal to be repatriated. If those claims were true, he said, there would hardly have been need for United States troops to use machine-guns, tanks and flame-throwers to subdue the prisoners. In such circumstances there could be no question of an expression of free will. Moreover, it was against forceful methods of this kind that article 7 of the Geneva Convention was supposed to protect the prisoners. He also stated that the Korean war had been undertaken from the beginning in the interests of United States imperialist policy and its economy and military strategy. The so-called United Nations Command in Korea was a mere fiction; all those troops were subject to American military command without any control on the part of the United Nations, as had become even more clear in connexion with the bombing of Chinese and Korean towns and the utilization of the most brutal types of weapons forbidden by international law.

The representative of Czechoslovakia said that it was hard to speak of a principle of voluntary repatriation based on the exercise of free will in the light of violations of the Geneva Convention by the United States Government in its administration of the prisoner-of-war camps and its coercive screening process, forcing prisoners with massacres and bloodshed to sign anti-Communist declarations. What the United States chose to call voluntary repatriation was merely forced detention. The North Korean and Chinese representatives had never expressed themselves in favour of forcible repatriation; they had spoken against forced detention. The Geneva Convention of 1949, the representative of Czechoslovakia stressed, provided for the principle of unconditional repatriation; the Polish proposal, consideration of which the Committee had postponed, represented a full programme of concrete measures for the solution of the Korean question.

(C) VIEWS EXPRESSED IN SUPPORT OF THE MEXICAN AND PERUVIAN DRAFT RESOLUTIONS

Statements were made by the representatives of Mexico and Peru in explanation of their draft resolutions (A/C.1/730 and A/C.1/732, respectively).

The representative of Peru, referring to the statement of the Soviet representative that the guiding principle of international law concerning prisoners of war was based on the presumption that the prisoners wished to be repatriated, stated that it would follow that in cases where there was evidence that the prisoner was opposed to repatriation, he would not be forced into accepting repatriation. He stressed that, by eliminating force, the Peruvian draft started from the exception to the principle of repatriation and indicated certain impartial and neutral means which could be found in the Geneva Convention and which were binding upon those who had accepted the Convention. It was in this respect that the Peruvian draft resolution differed from the Mexican draft. He was of the opinion that the problem was not a political problem but a juridical one which had to be resolved in accordance with the Geneva Convention.

The representative of Mexico, explaining his draft resolution, considered on the other hand, that it was important to avoid raising the question of deciding the rule of law to be applied. Neither the Geneva Convention nor the practice of States was decisive and uniform in one way or the other. It would, too, be hard to examine the Geneva Convention in the light of the historical factors which had prevailed at the time of its drafting. Finally, the General Assembly was not the proper organ to undertake a legal study of the matter at that stage, since such a study could not fail to be influenced by the political contingencies of the Korean question. A legal discussion would probably be indefinitely protracted and would not serve the urgent purpose of putting an end to the hostilities in Korea. The question at issue was, therefore, he said, political—far more than legal. A formula should be presented which would not stipulate a condition known beforehand to be unacceptable. If the North Korean authorities then refused such a formula likely to lead to an honourable solution, despite the United Nations' endeavours towards a compromise, the United Nations would certainly not bear the weight of the responsibility for the breakdown of the negotiations. The United Nations would be conscious of having discharged its entire duty to restore peace and consolidate the unity of its Members. The Mexican proposal, he stated, therefore left aside the purely legal aspect in order to make possible a specific settlement taking into account the political factors influencing the Korean situation.

The representatives of Bolivia, Brazil, Canada, Costa Rica, El Salvador, Israel, Lebanon, Nicaragua, Panama, the Philippines and the United Kingdom expressed either unqualified support for the draft resolutions or for principles which they contained, or felt that the proposals constituted valuable suggestions which the Committee might consider further.

The representative of Brazil expressed the view that those two proposals offered complementary measures. The machinery suggested by Peru for screening could, he said, be a preliminary step towards the measures proposed by Mexico. The Mexican proposals, on the other hand, could constitute a specific course to be studied by the commission provided for in the Peruvian proposal. He suggested that those who had so far put forward proposals concerning the problem of repatriation might informally try to iron out any discrepancy. That course would assist in removing difficulties and might lead to a plan which would fit within the framework of the 21-Power draft resolution.

(4) Indian Draft Resolution and Amendments

At the 524th meeting of the Committee on 17 November, India submitted a draft resolution (A/C.1/734) in terms of which, among other things, the Assembly would:

(1) affirm that the release and repatriation of prisoners of war should be effected in accordance with the Geneva Convention of 1949, the well-established principles of international law and the relevant provisions of the draft armistice agreement; (2) affirm that force should not be used against prisoners of war to prevent or effect their return to their homelands; and (3) request the President of the General Assembly to: (1) transmit to the Central People's Government of the People's Republic of China and to the North Korean authorities a set of seventeen specific proposals, contained in the draft resolution, as forming a just and reasonable basis for an agreement; (2) invite their acceptance of these proposals; and (3) report to the Assembly during its seventh session.

The proposals called, among other things, for the establishment of a repatriation commission consisting of representatives of Czechoslovakia, Poland, Sweden and Switzerland.

Paragraphs 14 and 17 of the proposals[11] read:

"14. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to

[11] The other proposals were adopted by the Committee and subsequently by the Assembly without revision or amendment. For text of resolution adopted by the Assembly, see pp. 201-202.

agree upon and appoint an umpire. If agreement on the appointment of an umpire cannot be reached by the Commission within a period of three weeks after the date of the first meeting, this matter shall be referred to the General Assembly.

"17. At the end of ninety days, the disposition of any prisoners of war whose return to their homelands has not been effected in accordance with the procedure set out above shall be referred by the Repatriation Commission to the political conference to be called under article 60[12] of the draft armistice agreement."

The representative of India stated that the seventeen paragraphs constituting its second part had been termed "proposals" because they were meant to show the way to a solution rather than be a solution in themselves.

He said that the real meaning of the terms "voluntary repatriation" or "non-forcible repatriation" was that force should not be used against prisoners of war. The Chinese, he said, had repeatedly stated that they were not asking for forcible repatriation. They appeared to argue that the soldiers had become prisoners as a result of force and that, in order to release them, it was necessary to remove the force. The other party stated that force would have to be used in order to repatriate some of the prisoners. The practice of international law, however, specifically laid down, without any equivocation or ambiguity, that force must not be used against the prisoners of war to prevent or effect their return to their homelands. That was the general background of paragraph 3 of his proposals.

One aspect of the repatriation question was the Chinese-North Korean view that the real issue was one of forcible detention, the representative of India stated. The charge of forcible detention would no longer arise, he pointed out, once the prisoners had been released into the temporary jurisdiction of the repatriation commission. As for the other side of the question, namely that of forcible repatriation, he said that no member of a civilized community could be called upon to exercise force against another person who was not fighting him, and against whom there was no legal sanction to use force. In the case of prisoners of war, the legal duty would have been discharged when the prisoners were released and provided with facilities to go home. Paragraph 3, he emphasized, was equally applicable to both parties.

With regard to paragraph 7 of the proposals, he recalled that it had been argued that a prisoner could not express himself while he was under imprisonment. This paragraph therefore envisaged that once the prisoners had been released by the detaining Power and were on their way to their homelands, the two parties should have freedom and facilities to explain to the prisoners depending on them their rights and the conditions prevailing in their homelands. One party had pointed out that, since the prisoners had been completely shut off from the world during their captivity, they had no knowledge of what was going on on the other side. For this reason, the two parties should have facilities to explain the situation to them. This would mean that it would be possible for the Chinese side, for instance, to explain to the prisoners that there was an amnesty. They would be able to tell the prisoners that they need have no fear of going home and there would be an opportunity to answer the questions of the prisoners.

Referring to the clauses dealing with the appointment of an umpire, the representative of India pointed out that when the two sides had agreed on the basis of repatriation, questions of interpretation would arise. The interpretation of the agreement would rest with the repatriation commission, but since each side would nominate two members of the commission, there might be an even split. His delegation felt, therefore, that the best way out of an impasse would be for the two parties to agree on the appointment of an umpire. Until that umpire was appointed, the repatriation commission would not come into being and the armistice would not become operative. If there were no agreement, however, the matter would be referred to the General Assembly. That did not mean that the Assembly would appoint the umpire, but only that it would consider what could be done at that stage. In order to avoid a prolongation of the disagreement on the appointment of an umpire, it was proposed that a period of three weeks be fixed for the appointment by the commission. The suggestion of this time-limit was not to be construed as constituting an ultimatum, but only an indication that the appointment of an umpire, which alone would enable the commission to proceed with its task, should not be delayed.

As to paragraph 17 of the proposals, it was linked with the sixth paragraph of the preamble; the draft armistice agreement provided for the political conference to meet at the end of 90 days, and that was why this time-limit had been set in paragraph 17, he said.

In conclusion, the representative of India requested the Committee to give priority to the Indian draft resolution so that no procedural difficulties on the side of the United Nations might affect the minds of those on the other side.

[12] See p. 174.

Following suggestions by the representatives who endorsed (see below) the main lines of his draft resolution, the representative of India, on 23 November, submitted a revision (A/C.l/-734/Rev.l) amending paragraphs 14 and 17 of the proposals to read as follows:

"14. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to agree upon and appoint the umpire who shall at all times be available to the Commission and shall act as its Chairman unless otherwise agreed. If agreement on the appointment of the umpire cannot be reached by the Commission within the period of three weeks after the date of the first meeting, this matter should be referred to the General Assembly.

"17. At the end of ninety days, after the Armistice Agreement has been signed, the disposition of any prisoners of war whose return to their homelands may not have been effected in accordance with the procedure set out in these proposals or as otherwise agreed, shall be referred with recommendations for their disposition, including a target date for the termination of their detention, to the political conference to be called as provided under article 60 of the draft armistice agreement. If, at the end of a further sixty days, there are any prisoners of war whose return to their homelands has not been effected or provided for by the political conference the responsibility for their care and maintenance until the end of their detention shall be transferred to the United Nations."

On 26 November, the representative of India submitted a second revision (A/C.l/734/Rev. 2), amending the final sentence of paragraph 17 to read:

"If at the end of a further sixty days there are any prisoners of war whose return to their homelands has not been effected under the above procedures or whose future has not been provided for by the political conference, the responsibility for their care and maintenance and for their subsequent disposition shall be transferred to the United Nations, which in all matters relating to them shall act strictly in accordance with international law."

The representative of India, at the 535th meeting of the First Committee on 1 December, made a further statement, elaborating his earlier statement and replying to some of the points raised during the discussion (see below). The representative of India stated, among other things, that: (1) the Government of India, in presenting what it thought might be a possible solution of the Korean problem, had acted largely on the basis of its judgment and the information it possessed—not laying down any terms but merely making proposals which would pave the way to negotiation; (2) settlement of the prisoner-of-war issue must be in terms of the Geneva Convention of 1949, which placed no obligation for forcible repatriation on the detaining Power and, in terms of the Indian draft, prisoners of war would be in the custody of neutral Powers, who would be bound by international law, thereby allowing no opportunity for the former detaining Power on either side to exercise any coercive pressure on them; (3) the Indian draft resolution was, in fact, a cease-fire resolution, as the only outstanding obstacle to an armistice agreement in Korea was the non-settlement of the prisoner-of-war issue and, if this issue were settled, there would be a cease fire within twelve hours; (4) regarding the question of the appointment of an umpire, his delegation considered that the umpire should only be called in to arbitrate if and when the members of the commission were divided on an issue; and (5) regarding the last part of paragraph 17 of the proposals, the question of the disposition of any prisoners of war who might not have been repatriated according to the procedures set forth in the rest of the draft resolution should go to the political conference—the United Nations acting, in all matters relating to any such prisoners, strictly in accordance with international law. In this respect he drew a distinction between the United Nations as one of the belligerent parties, referred to in the draft resolution as the detaining Powers, and the United Nations as a whole, including all 60 Members, in connexion with the provisions of paragraph 17.

Statements welcoming the Indian draft resolution, while suggesting the need for certain clarifications or revisions, particularly with regard to paragraphs 14 and 17 of the proposals, were made by the representatives of Afghanistan, Australia, Bolivia, Burma, Canada, Chile, Costa Rica, France, Indonesia, Iraq, Israel, Mexico, New Zealand, the Netherlands, Norway, Paraguay, Peru, the Philippines, Sweden, Syria, the Union of South Africa, the United Kingdom and the United States.

The representative of the United States stressed that for two years the United Nations had been bravely and successfully performing its greatest duty, that of resisting aggression in order that there would be a world of law and order supported by collective security. The people of the United States had taken a proud part in the United Nations effort because they believed in the United Nations and realized that if this great effort failed, the world would be back to the futile efforts of twenty years ago to build a barrier of words against aggression.

The representative of Sweden believed that the umpire of the Commission, mentioned in paragraph 14, should be a fifth member of the Commission and its chairman.

The representative of Norway felt that the underlying purpose of paragraph 17 could be expressed more comprehensively and that the best way to give the prisoners a feeling that they

had a real choice would be to have an agency of the United Nations not only to take care of them but also to entrust that agency with powers to release them in case the political conference should fail to agree on a solution after the 60-day period envisaged.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR, on the other hand, stated that the Indian draft could not provide a satisfactory solution. It was unacceptable, they stated, because: (1) the draft attempted to use the provisions of the Geneva Convention to support or cloak a possible refusal to repatriate the prisoners; it was in conflict with the articles of the Convention and reduced the matter to an exchange of those prisoners of war who voluntarily expressed a desire to be repatriated; (2) the functions of the commission proposed by India would be limited to repatriation of prisoners in contrast to the commission proposed in the USSR draft which would consider measures for settling the Korean question as a whole; (3) the draft gave a decisive voice to an umpire who would act as the commission's chairman thus, in the last analysis, making the United Nations—in spite of the fact that it was a belligerent party—a judge in its own case; (4) the conditions for an armistice were vague and the draft resolution, therefore, would not be conducive to a just and rapid solution of the Korean question; and (5) the draft made no mention of the question of the cessation of hostilities, the most urgent problem before the United Nations and the gateway to a peaceful settlement.

The representative of the USSR also stated that the Indian draft resolution failed to take into account the views of the North Korean and Chinese Governments. The views of the latter Government on the draft resolution, he said, were known to the Indian Government, since the draft resolution had been submitted to the Central People's Government of the People's Republic of China for preliminary consideration and since, as early as 24 November, according to information at the disposal of the USSR delegation, that Government had given a negative answer to the Indian Government as regards the draft resolution. Proposals which were unacceptable to the Chinese People's Republic and the Korean People's Democratic Republic, he said, could not be expected to be at all effective. In reply to this point, the representative of India stated that while his Government could not speak for China it could speak to China and, on its own responsibility, had kept the People's Republic of China informed of its efforts to find a solution of the Korean problem. It realized that no settlement could be reached without the agreement of the People's Republic of China and therefore it was merely making proposals to pave the way to negotiation. In view of India's long and friendly relations with China and its position midway between those of the two opposing views, it felt that it was its duty to continue its efforts to dispel misunderstandings.

The representative of the Republic of Korea stated that he considered that the Indian draft resolution was based on erroneous premises, such as the assumption that a truce was a means to achieve United Nations objectives in Korea, and that the aggressors represented a legally acceptable position, which entitled them to all privileges in connexion with the conclusion of hostilities. Furthermore, he said, the draft resolution was unrealistic. For example, could it be supposed that a commission made up of two neutral countries and two Soviet satellites would exercise a purely neutral role, even with the guiding hand of an umpire? Moreover, the representative of the Republic of Korea asked, could it be supposed that, without supervision, the Communist prisoners of war would leave unmolested non-Communist prisoners of whom many had already been killed by the Communist prisoners in the prisoner-of-war camps? He expressed doubts that an unarmed "neutral" commission could exercise better control over the released Communist prisoners of war in a demilitarized zone than had existed in prisoner-of-war camps under the ostensible control of the United Nations Command. The conclusion, he said, was patent: the draft resolution underwrote the forced return of thousands of prisoners, to whom it sought to promise freedom to return to their homelands.

The representative of the Republic of Korea concluded that a just and honourable peace could be achieved only by achieving complete victory, which in turn could only be secured through the employment of total sanctions against the aggressor. One of the measures to secure the peace, when that was won, must be the establishment of a buffer zone in Manchuria, manned by an international security brigade which would be the instrument of the general collective security system of the United Nations against an aggressor.

At the 529th meeting, on 24 November, the representative of Iran moved that the Committee vote first on the Indian draft resolution, as the representative of India had requested, because that proposal had the best chance of being approved by the Assembly and the parties to the dispute. The representative of the USSR opposed the Iranian motion as contrary to the rules of pro-

cedure, asserting that the USSR draft resolution should be put to the vote before the Indian draft. After discussion at the 530th and 531st meetings, on 25 and 26 November, the Committee adopted the Iranian motion by 49 votes to 5, with 1 abstention.

The following amendments to the Indian draft resolution were proposed:

(a) An amendment by Iraq (A/C.1/L.3), which: (1) called for the addition of India as a member of the repatriation commission; (2) called for the deletion of the provisions concerning the appointment of an umpire; and (3) proposed the revision of the last sentence of paragraph 17 to provide that if, at the end of a further 60 days, there were any prisoners of war whose return to their homelands had not been effected or provided for by the political conference, the responsibility for them should be transferred to the United Nations. The representative of Iraq explained that his premise was that, by adding India as a member of the commission, the difficulty of choosing an umpire would be avoided. (This amendment was later withdrawn in view of the revision of the Indian draft resolution and the explanations made by the representative of India.)

(b) An amendment by Greece (A/C.1/L.6) to make explicit the fact that the classification of prisoners under paragraph 5 of the Indian proposals would be made by the repatriation commission. (The representative of Greece withdrew his amendment after the representative of India had stated that it was the understanding of his delegation that the classification would be carried out in accordance with the arrangements made by the repatriation commission.)

(c) An amendment by Denmark (A/C.1/L.5) proposing a 30-day instead of a 60-day time-limit for the political conference to provide for the future of the remainder of the prisoners.

(d) An amendment by the USSR (A/C.1/L.4) which proposed:

(1) to redraft paragraph 8 of the first part of the Indian draft to read: "Affirms that prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of the Convention";

(2) to substitute for paragraph 1 of the proposals a proposal to recommend to the belligerents in Korea an immediate and complete cease fire, namely, the cessation of military operations by both sides on land, by sea and in the air, on the basis of the draft armistice agreement already approved by the belligerents and to refer the question of the complete repatriation of prisoners of war for its solution to the commission for the peaceful settlement of the Korean question provided for in paragraph 2 of the proposals, in which commission questions should be decided by two-thirds majority vote;

(3) to substitute for paragraph 2 of the proposals a new paragraph proposing (a) to establish a commission for the peaceful settlement of the Korean question consisting of: the United States, the United Kingdom, France, the USSR, the People's Republic of China, India, Burma, Switzerland, Czechoslovakia, the People's Democratic Republic of Korea and South Korea; and (b) to instruct that commission to take immediate steps for the settlement of the Korean question on the basis of the unification of Korea, which should be effected by the Koreans themselves under supervision of the commission, such steps to include extending all possible assistance in the repatriation of all prisoners of war by both sides;

(4) to amend the first sentence of paragraph 3 to provide that the treatment of prisoners of war must be such as to exclude, absolutely, any violence to their persons or affront to their dignity or self-respect in any manner or for any purpose whatsoever; and to delete the second sentence of paragraph 3, providing for the repatriation commission;

(5) to amend paragraph 6 to provide that, after classification, all prisoners of war should be returned forthwith to their homelands, and their speedy return should be facilitated by all parties concerned; and

(6) to delete paragraphs 7 to 17 of the proposal.

The representative of the USSR, stating that the Indian draft resolution failed to take into account the views of the North Korean and Chinese Governments, explained his amendments. He said that the first, calling for the redrafting of paragraph 8 of the first part of the Indian draft, had been proposed because the reference in the draft to the absence of force was inappropriate in the light of existing brutality. The second amendment had been proposed because it was impossible to reduce the whole question merely to one of the repatriation of prisoners. Regarding his fifth amendment, he said that it was not a question of a prisoner having the right to go home but of the creation of institutional, political, material, ideological and moral conditions which would enable the prisoner to fulfil his obligation to go back to his fatherland. His delegation could not admit a situation where an infringement of that duty would be encouraged. Subsequently, the USSR representative added that to say that force would not be used against prisoners in connexion with their repatriation was actually a disguise for forcible, coercive retention.

The representative of the USSR considered that the representative of India had not given a satisfactory answer to the question as to whether the Indian draft resolution opened the door to peace. In the light of the statement made by the Foreign Ministers of the Chinese People's Republic and the Korean People's Democratic Republic (A/C.1/735), there was no ground to expect that an armistice could be concluded within any reasonably short period. The USSR proposal was for an immediate cease fire on the basis of the draft armistice agreement already approved by the belligerents, rather than for one which might result from an armistice agreement that might be reached at some indefinite point in the future.

Statements in support of the USSR amendments were made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, who maintained that the only pos

sible solution of the problem lay in complete observance of the Geneva Convention, which called for the immediate repatriation of all prisoners.

A majority of the representatives expressed opposition to the USSR amendments. They considered, among other things, that they constituted a procedural device to nullify the Committee's decision to give priority in the voting to the Indian draft resolution.

The representative of New Zealand, for example, considered that they were unacceptable because they confused political problems (such as the unification and rehabilitation of Korea) and military problems. Only military problems should be dealt with in the armistice negotiations; political problems should be settled later. The Soviet amendments, furthermore, implied the use of force. The representative of the USSR had called for the humanitarian treatment of prisoners of war but at the same time claimed that only the State had the right to decide the fate of prisoners who were its nationals, he said.

The representative of the United Kingdom stated that the first USSR amendment was only a fresh attempt to evade the question of forced repatriation. The USSR delegation had been very cautious about public opinion and this observation could be applied to the form in which the fourth amendment was presented. The second and third amendments actually coincided almost word for word with the text of the draft resolution previously submitted by the USSR delegation (A/C.l/-729/Rev.l/Corr.l/ and Rev.1/Corr. 1/Add.1). An attempt was being made to represent the majority of the members of the Committee as hostile to a cease fire, though everyone desired a cease fire. It was, however, impossible for the nations which had forces in Korea, and some of whose soldiers were consequently in captivity, to agree to a cease fire before having obtained a basic agreement relating to them.

The representative of Burma stated that he would abstain in the vote on the USSR amendments because he did not consider them logically related to the Indian draft resolution.

(5) Decisions Taken by the First Committee

At its 535th meeting on 1 December, the Committee voted on the Indian draft resolution (A/C.l/734/Rev.2), paragraph by paragraph, adopting all paragraphs in votes ranging from 54 to 5, with no abstentions, to 53 to none, with 5 abstentions.

The Danish amendment (A/C.1/L.5), proposing a 30-day instead of a 60-day time-limit for the political conference to provide for the future of the remainder of the prisoners, was adopted by 39 votes to 5, with 14 abstentions.

The Committee rejected the first four Soviet amendments (A/C.1/L.4) by 46 votes to 5, with 8 abstentions, two of them by roll-call vote. The remaining two amendments were rejected by 50 votes to 5, with 1 abstention, and 52 votes to 5, with 2 abstentions, respectively.

The Indian draft resolution, as a whole, as amended, was adopted by a roll-call vote of 53 to 5, with 1 abstention.

At the 536th meeting on 2 December the representative of Lebanon stated that, for reasons beyond its control, his delegation had been unable to take part in the vote on the Indian draft resolution, but would support it in the vote in the plenary session of the General Assembly.

The Committee thereafter rejected the USSR draft resolution (A/C.l/729/Rev.l/Corr.l and Rev. I/Corr. 1/Add.1) by a roll-call vote of 41 to 5, with 12 abstentions.

At the same meeting it was agreed that further consideration of the 21-Power draft resolution as well as the Mexican and Peruvian draft resolutions should be deferred until the President of the General Assembly had submitted his report in accordance with the resolution adopted.

c. CONSIDERATION BY THE GENERAL ASSEMBLY IN PLENARY SESSION

The report (A/2278) of the First Committee containing the draft resolution adopted by it was considered by the Assembly at its 399th plenary meeting on 3 December 1952.

The representative of the USSR submitted four amendments (A/L.117) to the Committee's draft resolution, identical with those submitted by him in the Committee with regard to the Indian draft resolution (see above). He also submitted a draft resolution (A/L.118) identical with that submitted by his delegation in the First Committee.

The representative of India submitted an amendment (A/L.120) to the Committee's draft resolution, which would add the words: "so that an immediate cease fire would result and be effected", thus stressing that the purpose of the draft resolution was to bring about the termination of hostilities, he explained.

In explanation of his vote, the representative of the USSR stated that the Indian amendment did not in any way change the Committee's draft resolution, since it made a cease fire conditional on an agreement being reached between the parties, instead of proposing an immediate and complete cease fire.

The representative of France considered that the USSR, by a change of tactics, had relegated to second place the question of prisoners of war, while having at first considered it fundamental. By the introduction of draft resolutions and amendments, it now asked the First Committee for a decision in favour of an immediate cessation of hostilities, the fate of the prisoners to be decided by a political commission and no limit being set on the duration of their detention. Such a proposal, he said, was unacceptable.

The USSR amendments (A/L.117) were rejected as follows: the first amendment by 43 votes to 5, with 7 abstentions; the second, third and fourth amendments by roll-call votes of 46 to 5, with 9 abstentions. The votes on the second and third amendments were as follows:

In favour: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.

Abstaining: Afghanistan, Burma, Egypt, India, Indonesia, Iran, Saudi Arabia, Syria, Yemen.

The vote on the fourth amendment was the same as in the case of the two previous amendments, except that India voted against it, while Pakistan abstained.

The fifth and sixth amendments were rejected by 50 votes to 5, with 4 abstentions, and by 52 votes to 5, with 1 abstention, respectively.

The Indian amendment (A/L.120) was adopted by 53 votes to none, with 5 abstentions.

The Committee's draft resolution, as amended by India, was adopted (resolution 610(VII)) in a roll-call vote of 54 to 5, with 1 abstention. The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR.

Abstaining: China.

Explaining his vote, the representative of China stated that, while he considered the draft resolution sound in principle, he was convinced that the machinery which it envisaged was defective and inadequate, inasmuch as two of the members of the Repatriation Commission, namely Czechoslovakia and Poland, could not be expected to carry out fairly and impartially the provisions of the resolution which they had denounced in the Committee. In the camps under the Unified Command some of the prisoners had resorted to terror against their fellow prisoners, he said, and there was no guarantee that the same terroristic bands would not do likewise in the demilitarized zone, as the resolution did not confer instruments upon the Repatriation Commission to prevent such incidents.

Resolution 610 (VII) read:

"The General Assembly,

"Having received the special report of the United Nations Command of 18 October 1952 on "the present status of the military action and the armistice negotiations in Korea" and other relevant reports relating to Korea,

"Noting with approval the considerable progress towards an armistice made by negotiation at Panmunjom and the tentative agreements to end the fighting in Korea and to reach a settlement of the Korean question,

"Noting further that disagreement between the parties on one remaining issue, alone, prevents the conclusion of an armistice and that a considerable measure of agreement already exists on the principles on which this remaining issue can be resolved,

"Mindful of the continuing and vast loss of life, devastation and suffering resulting from and accompanying the continuance of the fighting,

"Deeply conscious of the need to bring hostilities to a speedy end and of the need for a peaceful settlement of the Korean question,

"Anxious to expedite and facilitate the convening of the political conference as provided in article 60 of the draft armistice agreement,

"1. Affirms that the release and repatriation of prisoners of war shall be effected in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, dated 12 August 1949, the well-established principles and practice of international law and the relevant provisions of the draft armistice agreement;

"2. Affirms that force shall not be used against prisoners of war to prevent or effect their return to their homelands, and that they shall at all time be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of the Convention;

"3. Accordingly requests the President of the General Assembly to communicate the following proposals to the Central People's Government of the People's Republic of China and to the North Korean authorities as forming a just and reasonable basis for an agreement so that an immediate cease-fire would result and be effected; to invite their acceptance of these proposals and to make a report to the General Assembly during its present session and as soon as appropriate:

PROPOSALS

"I. In order to facilitate the return to their homelands of all prisoners of war, there shall be established a Repatriation Commission consisting of representatives of Czechoslovakia, Poland, Sweden and Switzerland, that is, the four States agreed to for the constitution of the Neutral Nations Supervisory Commission and referred to in paragraph 37 of the draft armistice agreement, or constituted, alternatively, of representatives of four States not participating in hostilities, two nominated by each side, but excluding representatives of States that are permanent members of the Security Council.

"II. The release and repatriation of prisoners of war shall be effected in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, dated 12 August 1949, the well-established principles and practice of International Law and the relevant provisions of the draft armistice agreement.

"III. Force shall not be used against the prisoners of war to prevent or effect their return to their homelands and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever. This duty is enjoined on and entrusted to the Repatriation Commission and each of its members. Prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of that Convention.

"IV. All prisoners of war shall be released to the Repatriation Commission from military control and from the custody of the detaining side in agreed numbers and at agreed exchange points in agreed demilitarized zones.

"V. Classification of prisoners of war according to nationality and domicile as proposed in the letter of 16 October 1952 from General Kim II Sung, Supreme Commander of the Korean People's Army, and General Peng Teh-huai, Commander of the Chinese People's Volunteers, to General Mark W. Clark, Commander-in-Chief, United Nations Command, shall then be carried out immediately.

"VI. After classification, prisoners of war shall be free to return to their homelands forthwith, and their speedy return shall be facilitated by all parties concerned.

"VII. In accordance with arrangements prescribed for the purpose by the Repatriation Commission, each party to the conflict shall have freedom and facilities to explain to the prisoners of war "depending upon them" their rights and to inform the prisoners of war on any matter relating to their return to their homelands and particularly their full freedom to return.

"VIII. Red Cross teams of both sides shall assist the Repatriation Commission in its work and shall have access, in accordance with the terms of the draft armistice agreement, to prisoners of war while they are under the temporary jurisdiction of the Repatriation Commission.

"IX. Prisoners of war shall have freedom and facilities to make representations and communications to the Repatriation Commission and to bodies and agencies working under the Repatriation Commission, and to inform any or all such bodies of their desires on any matter concerning themselves, in accordance with arrangements made for the purpose by the Commission.

"X. Notwithstanding the provisions of paragraph III above, nothing in this Repatriation Agreement shall be construed as derogating from the authority of the Repatriation Commission (or its authorized representatives) to exercise its legitimate functions and responsibilities for the control of the prisoners under its temporary jurisdiction.

"XI. The terms of this Repatriation Agreement and the arrangements arising therefrom shall be made known to all prisoners of war.

"XII. The Repatriation Commission is entitled to call upon parties to the conflict, its own member governments, or the Member States of the United Nations for such legitimate assistance as it may require in the carrying out of its duties and tasks and in accordance with the decisions of the Commission in this respect.

"XIII. When the two sides have made an agreement for repatriation based on these proposals, the interpretation of that agreement shall rest with the Repatriation Commission. In the event of disagreement in the Commission, majority decisions shall prevail. When no majority decision is possible, an umpire agreed upon in accordance with the succeeding paragraph and with article 132 of the Geneva Convention of 1949 shall have the deciding vote.

"XIV. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to agree upon and appoint the umpire who shall at all times be available to the Commission and shall act as its Chairman unless otherwise agreed. If agreement on the appointment of the umpire cannot be reached by the Commission within the period of three weeks after the date of the first meeting this matter should be referred to the General Assembly.

"XV. The Repatriation Commission shall also arrange after the armistice for officials to function as umpires with inspecting teams or other bodies to which functions are delegated or assigned by the Commission or under the provisions of the draft armistice agreement, so that the completion of the return of prisoners of war to their homelands shall be expedited.

"XVI. When the Repatriation Agreement is acceded to by the parties concerned and when an umpire has been appointed under paragraph 14 above, the draft armistice agreement, unless otherwise altered by agreement between the parties, shall be deemed to have been accepted by them. The provisions of the draft armistice agreement shall apply except in so far as they are modified by the Repatriation Agreement. Arrangements for repatriation under this agreement will begin when the armistice agreement is thus concluded.

"XVII. At the end of ninety days, after the Armistice Agreement has been signed, the disposition of any prisoners of war whose return to their homelands may not have been effected in accordance with the procedure set out in these proposals or as otherwise agreed, shall be referred with recommendations for their disposition, including a target date for the termination of their detention to the political conference to be called as provided under article 60 of the draft armistice agreement. If at the end of a further thirty days there are any prisoners of war whose return to their homelands has not been effected under the above procedures or whose future has not been provided for by the political conference, the responsibility for their care and maintenance and for their subsequent disposition shall be transferred to the United Nations, which in all matters relating to them shall act strictly in accordance with international law."

d. REPORT OF THE PRESIDENT OF THE GENERAL ASSEMBLY

In a report (A/2354) dated 20 December 1952, the President of the General Assembly communicated the text of telegrams he had received from the Ministers for Foreign Affairs of the Central People's Government of the People's Republic of China and the People's Democratic Republic of Korea, dated 14 and 17 December, respectively, in reply to his communications, dated 5 December, transmitting the General Assembly's resolution together with a message inviting acceptance of its proposals.

Both replies recalled that the resolution had been adopted without the participation of representatives of the People's Democratic Republic of Korea, and stressed that the presence of both interested parties was essential to a just solution of the Korean question.

In the telegram from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China, it was stated, among other things, that the Assembly's action in adopting this resolution was clearly illegal and void and was firmly opposed by the Chinese people, because it was entirely based on the so-called principles of "voluntary repatriation" or "non-forcible repatriation", all of which were in essence the "principle" of forcibly retaining in captivity prisoners of war, which was universally recognized as violating the Geneva Convention and international law. The resolution could not settle the sole remaining issue, namely, the principles and procedures by which the repatriation of the prisoners could be effected. The fact on this issue was, the telegram continued, that both parties to the negotiations had established concrete and detailed measures and procedures in article 3 of the draft armistice agreement. The Central People's Government of the People's Republic of China had always upheld the basic principle of the total repatriation of prisoners of war after an armistice was effected, as established in the Geneva Convention, and would continue to do so.

The resolution, it was stated, was based also on the hypothesis that there were, among the Korean and Chinese captured, some personnel who refused to return home. The facts were that large numbers of special agents of the United States, Syngman Rhee and Chiang Kai-shek were placed in responsible posts in prisoner-of-war camps and had posed as Korean and Chinese prisoners of war. They had coerced prisoners to make declarations refusing repatriation. Prisoners who had refused to submit had been viciously beaten up by these agents and, while unconscious, had been tattooed with humiliating marks of treason against their motherland. The fingers of prisoners had been dipped in blood from their wounds and their fingerprints had been forcibly affixed to "screening" petitions allegedly expressing "unwillingness to return home".

The proposal to give the United Nations the final authority of appointing the umpire and the final authority of disposing of those prisoners of war allegedly "unwilling to go home" was absurd, it was stated. The proposals of the General Assembly actually embodied in full the three proposals put forward at Panmunjom on 28 September 1952 by the United States. In fact, the Assembly proposals were more deceptive and were designed to facilitate the realization of the United States Government's scheme forcibly to retain in captivity prisoners of war. The proposed repatriation commission, the telegram said, could not be effective because it would be absolutely impossible to separate or isolate the Syngman Rhee or Chiang Kai-shek special agents from the Korean and Chinese prisoners. Only by directly delivering prisoners of war to their own side for protection could this be accomplished. The People's Republic of China considered that such an illegal resolution could not possibly provide "a just and reasonable basis for an agreement".

In conclusion, the telegram stated that the Central People's Government of the People's Republic of China requested that the Assembly rescind this illegal resolution, call upon the Government of the United States to resume immediately the negotiations at Panmunjom, and, with the draft Korean armistice agreement as a basis,to bring about the realization of a complete armistice as a first stop and then to refer for settlement the question of the total repatriation of prisoners of war to the "Commission for the peaceful settlement of the Korean question", proposed by the USSR. If the Assembly agreed to discuss this request, representatives of the People's Republic of China and the Korean Democratic People's Republic must take part in the discussions. Should the General Assembly reject the request, it would further demonstrate that its purpose, far from being the achievement of peace in Korea and the Far East, was to continue and expand the Korean war in support of the policies of the United States, the communication stated.

The telegram from the Minister for Foreign Affairs of the People's Democratic Republic of Korea, which also rejected the resolution on the basis of arguments similar to those adduced by the Minister for Foreign Affairs of the Central Peo-

pie's Government of the People's Republic of China, concluded by requesting the Assembly to: (1) revoke resolution 610(VII); (2) condemn the fighting in Korea and take the necessary steps to bring about an immediate cease fire and achieve a peaceful settlement of the Korean question on the basis of the USSR proposals; (3) give representatives of the People's Democratic Republic of Korea an opportunity to participate in the discussion on the Korean question in the United Nations, as the true representatives of the Korean people; (4) call to account the representatives of the American side as responsible for the breakdown of the Panmunjom negotiations; (5) put an end to the barbarous bombing of the peaceful populations, towns and villages of North Korea by the American aggressors under the flag of the United Nations; (6) cease immediately the barbarous procedure of forcibly detaining the prisoners of war and the inhuman treatment and mass murder of and brutality towards the inmates of prisoner-of-war camps;[13] (7) punish severely the American war criminals who, it was said, hypocritically trampling upon the standards of international law and the principles of human morality, were using bacterial,[14] chemical and other weapons for the mass slaughter of the peaceful inhabitants of North Korea.

The report of the President was not considered by the General Assembly during 1952.

5. Complaint of Mass Murder of Korean and Chinese Prisoners of War by United States Military Authorities on the Island of Pongam

In a letter dated 20 December 1952 (A/2355) the USSR requested the inclusion in the Assembly's agenda of an item entitled: "The mass murder of Korean and Chinese prisoners of war by the United States military authorities on the island of Pongam", and requested that it be considered before the suspension of the work of the session.

In an accompanying memorandum it was stated that, according to available information and to reports from the Associated Press and Reuters news agencies, the American guards of the prisoner-of-war camp on the island of Pongam had, on 14 December 1952, killed 82 and wounded 120 Korean and Chinese prisoners of war who were demanding repatriation.

A draft resolution was also enclosed. It would have the Assembly:

(1) note new evidence of inhuman brutalities perpetrated by the United States military authorities; (2) state that it considered that such mass murders of Korean and Chinese prisoners of war in United States camps were characteristic of the systematic extermination of prisoners of war, as shown by the numerous atrocities committed by the United States military authorities against prisoners of war in the camps on the islands of Koje, Cheju and Pongam, in Pusan and in other places; (3) condemn these criminal acts; (4) insist that the Government of the United States should take immediate steps to end these brutalities against Korean and Chinese prisoners of war; and (5) call to strict account those guilty of committing these crimes.

In cablegrams dated 21 December the Ministers for Foreign Affairs of the Central People's Government of the People's Republic of China and of the People's Democratic Republic of Korea (A/2358 and Corr.1 and A/2359) levelled the same charges and requested that the Assembly take action similar to that proposed by the USSR.

The item was included in the agenda under the title: "Complaint of the mass murder of Korean and Chinese prisoners of war by United States military authorities on the island of Pongam", and, on the recommendation of the General Committee (A/2356), was considered by the Assembly at its 411th plenary meeting on 21 December.

The representative of the USSR stated that the brutalities committed on the island of Pongam by the American soldiery, and the savage treatment of prisoners of war on Koje Island, Cheju Island and at Pusan, to which the USSR delegation had drawn the attention of the Assembly during the discussion of the Korean question, had taken on the character of a policy of systematic extermination of Korean and Chinese prisoners of war in American camps by the United States military command in Korea. The new act of repression against Korean and Chinese prisoners of war, he said, had been perpetrated because the prisoners asked to be repatriated and because they did not wish to be subjected to the violence and terror inflicted on them in order to force them to betray their countries and place themselves at the mercy of the American executioners; it showed that the ruling circles of the United States continued shamelessly to ignore the most elementary principles of international usage and law in their treatment of both the civilian population and prisoners of war.

[13] During Part I of its seventh session, the Assembly also considered an item entitled: "Complaint of the Mass Murder of Korean and Chinese Prisoners of War by the United States Military Authorities on the Island of Pongam", submitted by the representative of the USSR (see below).

[14] Consideration of an item, submitted by the representative of the United States under the title "Question of impartial investigation of charges of use by United Nations Forces of bacterial warfare", was postponed to the second part of the session.

The United States military authorities in Korea had committed crimes against Korean and Chinese prisoners of war before, he stated. The assertions by representatives of the United States that their Government's policy towards prisoners of war was based on principles of humanity and freedom of the human person, had, he said, been refuted by the relevant facts adduced by the representatives of the USSR during the discussion of the Korean question. On the other hand, these facts had been confirmed by the reports of American and British news agencies, by the admissions of former commanders of prisoner-of-war camps, by the statements of Korean and Chinese prisoners who had escaped from these camps and also by the report, dated April 1952, of the International Committee of the Red Cross. They had also been confirmed in the reports of a Canadian war correspondent who had visited those camps.

The representative of the USSR added that an Associated Press dispatch from Geneva, dated 16 December 1952, had stated that the International Red Cross Committee had that day made public a communication in which it said that the action of the United Nations Command in Korea showed that that Command was violating the Geneva Convention on prisoners of war. The dispatch also stated that the Committee, describing those incidents, had declared that it appeared, in the circumstances, that the firing constituted a violation of article 42 of the Geneva Convention of 1949.[15] Nevertheless, a further use of force against Korean and Chinese prisoners of war had subsequently occurred on Koje Island. General Colson, the commander of the camp on that island, had admitted that even earlier cases of bloodshed had occurred in the camp. He had stated that he would do everything in his power to end force and bloodshed. He had also assured the prisoners of war that they could count on humane treatment in the camp in the future, in accordance with the principles of international law. This forced admission proved that in the prisoner-of-war camps the United States Command was resorting to the practice of compulsory screening, accompanied by violence and murder. These crimes, the USSR representative stated, were the consequence of the Korean policy followed by the ruling circles of the United States, aimed at continuing the war of aggression against the Korean people and extending that aggression to China.

The facts, he said, showed that the trans-Atlantic preachers of humanitarian treatment of prisoners of war were grossly deceiving world public opinion. According to a dispatch of the Korean Central Press agency, published in May 1951, some 1,400 prisoners of war had been secretly sent to the United States to be subjected to experiments with atomic weapons. On 19 July 1951, a total of 100 prisoners of war had been shot by machine-gun fire in the prisoner-of-war camp No. 62, in order to give the machine-gunners training in shooting at moving targets. On 18 February 1952, another 300 prisoners had been killed in the same camp in the same way. On 13 March and 17 and 20 April, a total of 175 prisoners of war had been brutally murdered. Documents confirmed that on 10 May 1952, in camp No. 76, four prisoners who had stated their desire to return to their country had been hanged. On 1 May, the hangmen had gouged out the eyes of eighteen prisoners. On 18 May, thirteen fighters of the Korean People's Army in the camp had been quartered. When the other prisoners in the camp had started to protest, the guard officer had picked from among them 50 men who on the same day were subjected to experiments in the use of new hand-grenades; four prisoners had been killed on the spot, and the remaining 46 had been wounded and had died of injuries shortly after. Horrible brutalities had been committed by the aggressors in camp No. 77 on 27 May 1952. The documents stated that flame-throwers of a new type had been tried out on a large group of prisoners of war who had demanded to be repatriated. Almost 800 prisoners had been burned alive on that day. On 20 and 30 May, a total of 37 prisoners had been killed and sixteen wounded in the same camp. These were facts cited by the Korean Central Press agency and so far had not been refuted.

All statements by representatives of the United States and their supporters to the effect that the repatriation of all prisoners of war was impossible and that the Korean and Chinese prisoners of war did not wish to be repatriated were, said the USSR representative, designed merely to conceal the policy of violence and terror against Korean and Chinese patriots who expressed the legitimate desire to return to their country and an equally legitimate indignation at the atrocities committed by the Americans in Korea.

There could be no doubt, the representative of the USSR continued, that the so-called Indian draft resolution (A/C.l/734/Rev.2)[16] which had been rubber-stamped by the General Assembly

[15] This article states: "The use of weapons against prisoners of war, especially against those who are escaping or attempting to escape, shall constitute an extreme measure which shall always be preceded by warnings appropriate to the circumstances".

[16] Adopted by the Assembly on 3 December (resolution 610(VII)). See above.

under pressure from the United States, suited the needs of certain United States circles which did not wish to put an end to the bloodshed in Korea. It must be clear to everyone, from the reply which had been received from the Central People's Government of the People's Republic of China and from the Government of the People's Democratic Republic of Korea, that that resolution could not provide a basis for the settlement of this question, as its sole purpose was to deceive world public opinion. It was certainly no mere coincidence, he said, that the adoption of this resolution had been immediately followed by the mass murders of Korean and Chinese prisoners of war on the island of Pongam.

Statements along similar lines were made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR.

The representative of the United States considered that three factors should be kept in mind with regard to the agenda item: (1) the time chosen by the delegation of the USSR to raise the question; (2) its motives in doing so; and (3) the substance of the charges made, not for the first time, but repeatedly, from the day when the Korean question had come up for discussion at the current session.

The Soviet representative had reviled the dignity of the Assembly by saying that the Indian draft resolution had been rubber-stamped by the Assembly under United States pressure. The USSR Government and its satellites had voted against peace, and that was the fact which they were now seeking to conceal by a propaganda stunt, he said. Nevertheless, the Assembly should discuss this item, because the USSR accusations should be brought out of the dark corners of their origin and exposed to the white light of truth.

The background of the events on Pongam Island, the representative of the United States continued, was that the Koreans interned there, numbering over 9,000, were Communist guerrillas captured in South Korea and other Communists, rounded up for revolutionary activity behind the lines. They had not been captured from enemy armies and there were no Chinese among them.

The facts of the case, he said, were as follows: On 6 December 1952, the prisoner-of-war command had reported indications that plans for a mass break-out were being formulated within the prisoner-of-war and internee camps of the Unified Command. This was just three days after the adoption by the Assembly of its resolution calling for peace in Korea. As the representative of the USSR had said, there was a connexion between these events. Coded documents had been intercepted, indicating that the plan was centrally directed. All camp commanders had been instructed to take every precaution to negate any attempt by the internees to put such plans into effect. The plot had matured in the violence on Pongam, which had occurred on the same day that the Chinese Communist authorities had rejected the United Nations resolution. The Chinese Communist authorities had known and selected the day on which they chose to send their rejection.

Here again, the connexion between the dispatch of their note and the events on the island of Pongam was surely not an accident or a coincidence, the representative of the United States said. At noon on 14 December, reports had come to the commander of the camp that internees in two of the compounds were massing. The commander, with a small detachment of United States and Republic of Korea guards, had had to act at once to prevent many hundreds of internees from breaking out and inviting pitched battles. He had dispatched platoons to the two compounds in which the internees had begun to mass. The guards of the United Nations Command had deployed as skirmishers 25 yards from the massed internees, who had drawn themselves up many ranks deep in military fashion. Behind these ranks were hundreds more, threatening, screaming and throwing rocks down upon the United Nations guards from a high ledge upon which they had taken positions. The commander ordered the rioters to quiet down and to disperse. When his order was disobeyed, he realized that only a show of force could prevent a mass outbreak. The direction of the wind made the use of tear-gas impossible. A frontal approach by the few guards upon the many massed men was out of the question. The rioting was skilfully organized and directed, and it was necessary to fire volleys to quell the rioters in the two compounds where the disturbances had started. Meanwhile, internees had been massing in four of the other compounds. A burst of fire was necessary in two of these compounds in order to prevent further outbreaks. Having quelled the riots in the first two compounds, the camp commander had been able to send the guards into three other compounds and move the demonstrators out without use of firearms.

The use of force to repress inspired and centrally directed outbreaks of fanatical violence by prisoners was at times unavoidable, said the representative of the United States. That such unavoidable use of force should result in casualties was no evidence that force was not required. The

Unified Command had at once instituted an investigation of the incident on Pongam.

One might ask, he continued, what the purpose of the outbreak on Pongam was. Bloodshed was the real motive, the sacrifice of as many internees as possible and the deliberate fashioning of ammunition to provide an excuse for a false issue. The consistent purpose of the Government of the USSR was to create the impression that all prisoners of war wished to be repatriated and were being held against their will. This explained why the representative of the USSR had produced this propaganda item. It was obviously, he said, a clumsy attempt to smear the United States and the United Nations at the last minute, in an effort to cover up the fact that the aggressors and their Soviet sponsors had rejected peace in Korea.

The representative of the USSR had talked of incidents on Koje and Cheju Islands, where there were prisoners of war, not civilian internees, the representative of the United States stated. The facts about the treatment of prisoners of war in Korea were that, from the very beginning, the Unified Command had followed the provisions of the Geneva Convention of 1949. The United Nations prisoner-of-war camps had been wide open to the International Committee of the Red Cross. On occasions when the International Committee had presented criticism, the Unified Command had taken any corrective action necessary. On the other hand, the North Korean-Chinese authorities had hidden their treatment of prisoners from the eyes of the world. They had continually refused to permit the International Committee to inspect their camps. They had refused to exchange relief packages. They had refused to report on the health of the prisoners of war, and refused to exchange the seriously sick and wounded, as required by the Geneva Convention. They had failed to give the accurate location of prisoner-of-war camps and had failed to mark them properly. They had located their camps in places of danger near legitimate military targets, in defiance of that Convention. Until the Government of the USSR accepted the United Nations proposals for solving the prisoner-of-war question, the world would remain convinced that the USSR and its supporters in the United Nations stood alone against the 54 nations which endorsed the principle of non-forcible repatriation as the key to peace in Korea, the United States representative concluded.

The representatives of Canada, Ethiopia, France, Greece, Iraq, Israel, New Zealand, Turkey and the United Kingdom also spoke against the USSR draft resolution (A/2355). The representatives of Canada, France, Greece, New Zealand, Turkey and the United Kingdom associated themselves with the substance of the statement of the representative of the United States, while the representatives of Ethiopia, Iraq and Israel limited their statements to expressions of the view that the USSR accusations were unsubstantiated by proof and that this in itself precluded their being seriously considered.

The representative of India stressed the need for strict observance of the provisions of the Geneva Convention of 1949 with regard to all prisoners, irrespective of whether they were civilians or not. With reference to Assembly resolution 610 (VII), he expressed the hope that the Central People's Government of the People's Republic of China and the Government of the USSR would, on consideration, appreciate that the proposals contained in that resolution were based essentially on the Geneva Convention and on international law, and were not opposed to the basic principles which these Governments themselves had put forward on earlier occasions. With regard to the USSR draft resolution, he declared that he would not vote against it, for the simple reason that it referred to prisoners of war; he could not vote in favour of it, however, because it referred to facts which had not been investigated.

The USSR draft resolution (A/2355) was rejected by a roll-call vote of 45 to 5, with 10 abstentions.

Voting was as follows:

In favour: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.

Abstaining: Afghanistan, Burma, Egypt, India, Indonesia, Iran, Pakistan, Saudi Arabia, Syria, Yemen.

6. Relief and Rehabilitation of Korea

a. REPORT BY THE SECRETARY-GENERAL TO THE ECONOMIC AND SOCIAL COUNCIL

At the fourteenth session of the Economic and Social Council, the Secretary-General submitted a report (E/2197) on Korean relief and rehabilitation covering the period from 14 August 1951 to 3 March 1952.

The Secretary-General reported that on 3 March 1952 the Unified Command had agreed to his proposal that, in future, all requests and offers of assistance should be channelled through the Agent

General of the United Nations Korean Reconstruction Agency.

The Secretary-General reported that two additional requests had been received from the Unified Command since his previous report to the Council,[17] bringing to eighteen the total number of requests. One of these requests was a consolidated list of approximate monthly requirements of various relief items for the civilian population of Korea; it had been circulated to all Member and certain non-member States, specialized agencies and voluntary organizations. The other, which asked for additional personnel for service with the United Nations Civil Assistance Command, was passed to the Agent General. From 1 January 1952, with one or two exceptions, all personnel serving in Korea under the Unified Command who had been provided by specialized agencies or other civilian organizations were transferred to the United Nations Korean Reconstruction Agency (UNKRA).

The report detailed offers of assistance received from governments between 14 August 1951 and 3 March 1952, and the total value of contributions from all sources for emergency relief from the inception of the programme to 3 March. The United States Government, the report said, had advised the Secretary-General on 28 March 1952 that the total United States contribution to Korean relief, through the Unified Command, from 25 June 1950 to 1 March 1952, amounted to $215,-608,010. Offers to a total value of $3,590,947 had been received from non-governmental organizations since 14 August 1951.

The Secretary-General stated that he had drawn the attention of Member States to some of the reports of the United Nations Command (S/2408, S/2410 and S/2412) on its relief activities[18] and had stressed the urgent need for contributions.

The report also listed the assistance pledged and contributed up to 3 March 1952.[19]

At its 654th plenary meeting on 22 July, the Council, by 13 votes to none, with 4 abstentions, accepted a Canadian motion for the adjournment of debate on Korean relief and rehabilitation. The adjournment motion was submitted in view of the General Assembly's decision at its sixth session (resolution 507 (VI)) to defer the examination of the question until the conclusion of an armistice in Korea, or until events in Korea made its consideration desirable.[20]

b. REPORT OF THE AGENT GENERAL OF UNKRA

The Agent General of the United Nations Korean Reconstruction Agency (UNKRA) submitted to the seventh session of the General Assembly his report (A/2222) dated 21 October and its supplement (A/2222/Add.1 and 2) dated, respectively, 1 December 1952 and 18 February 1953. The report and the addenda covered, between them, the period from February 1951 to February 1953. The main report gave an account of the structure of Korean economy during the country's occupation by Japan, the economic dislocation caused by the division of the country in 1948, the work of the Economic Co-operation Administration, which, in 1949, assumed responsibility for the United States aid to Korea, and a detailed account of contemporary economic conditions in South Korea.

Dealing with the "Organization of United Nations Assistance" (chapter IV), the report outlined the background of the events in Korea which had led to the formation, in 1950, of UNKRA (Assembly resolution 410 (V))[21]. The report stated that, on 3 March 1952, the United Nations Command accepted a proposal by the Secretary-General that, in the future, all offers of and requests for emergency relief assistance to Korea should be channelled through the Agent General. As of that date, the Agent General assumed full responsibility for this phase of the Korean relief programme. Requests for relief assistance were mainly for food, clothing, medical supplies and personnel. The Governments of Member States as well as some non-members responded generously.[22] Assistance was also acknowledged from the International Refugee Organization (IRO), the United Nations International Children's Emergency Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and from non-governmental organizations and voluntary agencies in the United States, Canada, New Zealand and Norway.

In response to requests for personnel to assist in Korean rehabilitation, IRO, the International Labour Organisation (ILO), the World Health Organization (WHO), the Food and Agriculture Organization (FAO), UNESCO and the Technical Assistance Administration contributed the services of specialized personnel. In addition, non-

[17] See Y.U.N., 1951, pp. 231-234.

[18] For relief activities of the United Nations Command see pp. 163-65.

[19] For details of offers of assistance for relief programme as at 15 February 1953 see Annexes to this chapter

[20] See Y.U.N., 1951, p. 237.

[21] For details see Y.U.N., 1950, pp. 280-283.

[22] For details of offers of assistance for relief programme see Annexes.

governmental organizations and voluntary agencies provided technical personnel assistance. Under special arrangements with the League of Red Cross Societies, medical teams were supplied by the American, British, Canadian, Danish and Norwegian Red Cross Societies; The Mennonite Central Committee and The Australian Save the Children Fund also sent personnel to Korea in response to Unified Command requests.

The report stated that on 1 January 1952, in agreement with the Secretary-General and the Unified Command, the Agent General became responsible for a large part of the recruitment of specialized civilian personnel for Korea. Provision was made to transfer to UNKRA personnel supplied by the specialized agencies, non-governmental organizations and voluntary agencies, and to second them to the United Nations Civil Assistance Command.

The report then summarized the action taken by the Economic and Social Council and by the General Assembly on Korean relief in 1950, 1951 and 1952,[23] and gave an account of the work of the Negotiating Committee on Contributions to Programmes of Relief and Rehabilitation.[24]

As of 15 September 1952, 27 Member States had contributed to the UNKRA programme in response to the efforts of the Negotiating Committee and UNKRA, the report said. They had pledged a total of $205,590,806, of which $18,-718,954 had actually been made available to the Agent General.

In addition, 27 Member States and one non-member State had pledged assistance in response to Security Council resolutions. Of the total of $270,211,986 pledged in this connexion, $264,-580,697 had been received.[25]

In Chapter V, under the heading "Organization and General Approach of the Agency", the main report (A/2222) outlined the Agency's relations with the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK), the United Nations Command and the specialized agencies.

In May 1951 UNCURK formally designated the Government of the Republic of Korea and the Commander-in-Chief of the United Nations Command, together with the sub-ordinate Commands in Korea, as the authorities with whom the Agent General might deal. UNCURK later prescribed the territory within the control of the Republic of Korea as the area within which UNKRA could operate. The Agent General also referred to the agreement reached with the United Nations Command regarding the division of responsibility for Korean relief and rehabilitation signed on 16 July 1951, the Memorandum of Understanding between the two organizations signed in December 1951 and the supplement thereto signed in March 1952.[26]

The Joint Committee representing UNKRA and the United Nations Command in Tokyo and Pusan and UNKRA and the Unified Command in Washington had met regularly and proved a useful forum for exchange of views. This organizational pattern was further developed on 24 May 1952 by the creation of a Combined Economic Board in Korea, composed of one representative of the Government of the Republic of Korea and one of the United Nations Command. This Board, established as a result of formal agreement between the Republic of Korea and the Unified Command, had broad powers of control over the Government budget and the utilization of foreign exchange. Its major objective, which was strongly supported by the Agent General, was, the report said, to check the inflation which had reached dangerous limits in Korea. In this connexion the Board proposed to scrutinize all expenditures of won for reconstruction and other purposes.

The Agent General's Advisory Committee had held seventeen meetings with him and had, among other things, adopted the Financial Regulations of the Agency, reviewed the staff rules, adopted a number of interim plans of expenditure, reviewed the accounts and approved a number of projects for implementation. It had also approved important guiding principles in respect to so-called "counterpart" funds, procurements and relations with non-governmental organizations.

The attention of the United Nations, UNKRA and the specialized agencies was now, the Agent General said, concentrated principally on formulating, together with representatives of the Government of the Republic of Korea and the United Nations Command, a comprehensive reconstruction programme to assist the Republic of Korea towards achieving a viable economy.

At the request of the Agent General, specialized agency teams from UNESCO, FAO and WHO currently in Korea would: (1) make general recommendations on the scope of a pro-

[23] See Y.U.N., 1950, pp. 269-283. Y.U.N., 1951, pp. 231-237.

[24] See Y.U.N., 1950, p. 283. Y.U.N., 1951, p. 232.

[25] For details of offers and contributions made to UNKRA and the emergency relief programme as at 15 February 1953 see Annexes to this chapter.

[26] For terms of the agreement and the Memorandum see Y.U.N., 1951, pp. 234-35.

gramme in each of their respective fields, with estimates of outlay in relation to total funds available; and (2) develop specific lists of projects to be carried out as part of the programme, with time schedules, priorities and cost estimates of each project.

Dealing individually with each specialized agency the Agent General acknowledged UNESCO's contribution of $100,000 in 1950 which was used for acquiring printing machinery for the manufacture of elementary text books.[27] The paper was provided by UNKRA. With this joint assistance the Ministry of Education had printed 7,500,500 books. UNESCO had also provided assistance for Korean scholars by making books available and by donating educational supplies for Korean children. The purchase of these supplies was financed by a gift from the Belgian Committee of the United Nations Appeal for Children. Discussions had also been held with UNESCO to assess the suitability of its Gift Coupon Programme for obtaining educational assistance for Korea from voluntary sources. UNESCO continued to participate in the development of programmes for educational rehabilitation. An international team of educators was in Korea to survey Korean educational needs.

The contribution of FAO was also acknowledged; at the time of reporting an eleven-man FAO team was studying Korean agricultural conditions.

UNICEF, it was stated, had maintained a continuous flow of supplies to the United Nations Command for the needs of Korean children. In addition, allocations of substantial funds had been made by the Executive Board of UNICEF, and the Fund had paid for the shipment of a large quantity of cod liver oil.

IRO had contributed medical supplies, cloth, clothing, sewing machines, kitchen equipment, tools and miscellaneous small items. In response to requests for personnel, it had supplied the services of 22 persons. Before it ceased operations, IRO also made a substantial contribution in staff services to the Agent General during the period when he served both as Agent General of UNKRA and as Director-General of IRO.

WHO had made available the services of twenty medical team personnel and three public health advisers. It had also dispatched a three-man planning mission to aid in the formulation of a balanced health programme as part of an over-all Korean reconstruction programme.

In response to the Secretary-General's appeal for personnel for the emergency programme, ILO sent two experts to work on employment and labour problems. The Agent General had subsequently discussed, with the Director-General of ILO, the question of ILO participation in an expanded relief and rehabilitation programme. The Director-General had promised to make experts available at the appropriate stage of operations.

The Agent General also acknowledged the offers and contributions of non-governmental organizations in the United States, Canada, New Zealand, Norway and other countries.[28]

He stated that, due to military exigencies, the United Nations Command had been unable, until recently, to permit non-governmental organizations to control the use and distribution in Korea of the supplies they contributed. These supplies had practically all been channelled through the Unified Command. In June 1952, the policy governing the activities of non-governmental organizations was modified to permit the shipment of supplies and equipment to orphanages, hospitals, schools and similar institutions through commercial carriers at their own expense to the extent of 500 long tons per month.

The Agent General, with the approval of the Advisory Committee, was stated to be providing financial assistance to non-governmental organizations and voluntary agencies in connexion with these shipments. Arrangements had been made to ship to Korea, on behalf of the Unitarian Service Committee of Canada, 200,000 pounds of powdered sweetened milk for the Committee's school-feeding programme.

Under the heading "Current Programmes of Relief and Rehabilitation" (Ch.VI), the report said that during the first phase, i.e., during the continuance of hostilities, the task of UNKRA was "complementary and supplementary" to the basic relief and short-term aid programme of the United Nations Command. Thus, in agreement with that Command, UNKRA had initiated and carried out a number of relatively minor projects. More recently, however, the United Nations Command, the Government of the Republic of Korea and the Agent General agreed upon the outlines of a substantial UNKRA rehabilitation programme, to be carried out during the remainder of the current financial year. Agreement was further reached on the development of a single, integrated United Nations—Republic of Korea Government programme for the following financial year. The resources originally pledged to UNKRA for a

[27] See Y.U.N., 1950, p. 921.

[28] For offers and contributions from non-governmental organizations see Annexes to this chapter.

programme of slightly more than a year's duration would, in combination with those available to the United Nations Command, be spread out over a period of slightly more than two years.

The civilian relief and economic aid programmes of the United Nations Command were and would continue to be on a larger scale than those of UNKRA, the Agent General said. He gave an account of the assistance programmes of the United Nations Command.[29]

Under the UNKRA programme, it was reported, a small number of projects had been completed or were already far advanced in their implementation. These included, in the field of food production, the importation of hatching-eggs and farm animals, of seed for an experimental seed improvement programme, and of substantial quantities of fishing nets.

In the field of education, projects included the importation of paper for school books, the restoration of university and technical libraries, the provision of manuals for a literacy programme, and the provision of supplies and equipment for a college secretarial course.

A much larger number of projects were currently being developed. These included: the repair of 2,200 school classrooms, about one-fourth of the repairs necessary to restore minimum school conditions in Korea, repair and replacement of some 500 miles of electrical transmission and distribution lines, rehabilitation of three electric generating stations, establishment of a minerals assay laboratory, a mine school, a merchant marine school and provision of mobile clinics to serve as training units for Korean medical personnel. The clinics would also be used for disseminating information on health, hygiene and sanitation.

These specific projects, the report said, were developed on an ad hoc basis through the Joint Committees and after consultation with the Government of the Republic of Korea. There was now full agreement among the Commander-in-Chief, United Nations Command, the Government of the Republic and the Agent General that UNKRA could now carry out a more rounded programme integrated with the civil assistance programme of the United Nations Command.

In the supplementary report (A/2222/Add.l) the Agent General stated that on 24 November 1952 his Advisory Committee adopted a $70 million programme for the relief and rehabilitation of Korea for the period ending 30 June 1953. The programme which was worked out by the Agent General after consultation with the Commander-in-Chief, the United Nations Command and the President of the Republic of Korea, was designed to make an immediate and positive contribution towards meeting the most pressing needs of the Korean people in advance of the cessation of hostilities.

As approved, the programme envisaged the expenditure of $14 million for the importation of essential commodities such as food, lumber and fertilizers, $10,634,000 for capital equipment for Korean industry, a total of $6,900,000 for agricultural research, irrigation, land reclamation and farm and fisheries development, and $7,100,000 to rehabilitate power plants and develop new sources of power. To restore urgently needed educational facilities, approximately $8 million would be spent on the reconstruction of schools and libraries and to furnish teacher-training and vocational-training services. The work of the United Nations Command which kept major port facilities and railways in repair, would be supplemented by an UNKRA allocation of $7,500,000 to repair secondary ports and transverse and feeder rail lines. Housing reconstruction would be initiated in the amount of $3 million, this programme to be expanded as supplies became available. To meet the fuel needs for Korean industrial production and civilian use, $2 million were allocated for the increase of the production of natural resources such as coal and peat. The health programme of the United Nations Civil Assistance Command in Korea would be supplemented by a $2,500,000 UNKRA programme to restore hospitals, clinics, water systems and sanitation facilities and to provide for the training of medical assistance personnel.

The Agent General stated in the supplementary report covering the period from 15 September 1952 to 15 February 1953 (A/2222/Add.2) that the Agency was in a position to give substantial aid in the remainder of the financial year. He had inaugurated the $70 million UNKRA programme and continued the close working relationships with the United Nations Command and the Government of the Republic. Pointing out the dangers of continued inflationary pressures, he stated that the only way to reduce these dangers was to increase the volume of consumer goods available in Korea. The rehabilitation of factories, the restoration of transport and power systems, the repair of schools and construction of houses, hospitals and orphanages all added, in the first instance, to inflationary pressures. Therefore, he considered, no more than a limited amount of construction could be safely undertaken at the present time.

[29] For this assistance programme see under "United Nations Command Reports", pp. 163-65.

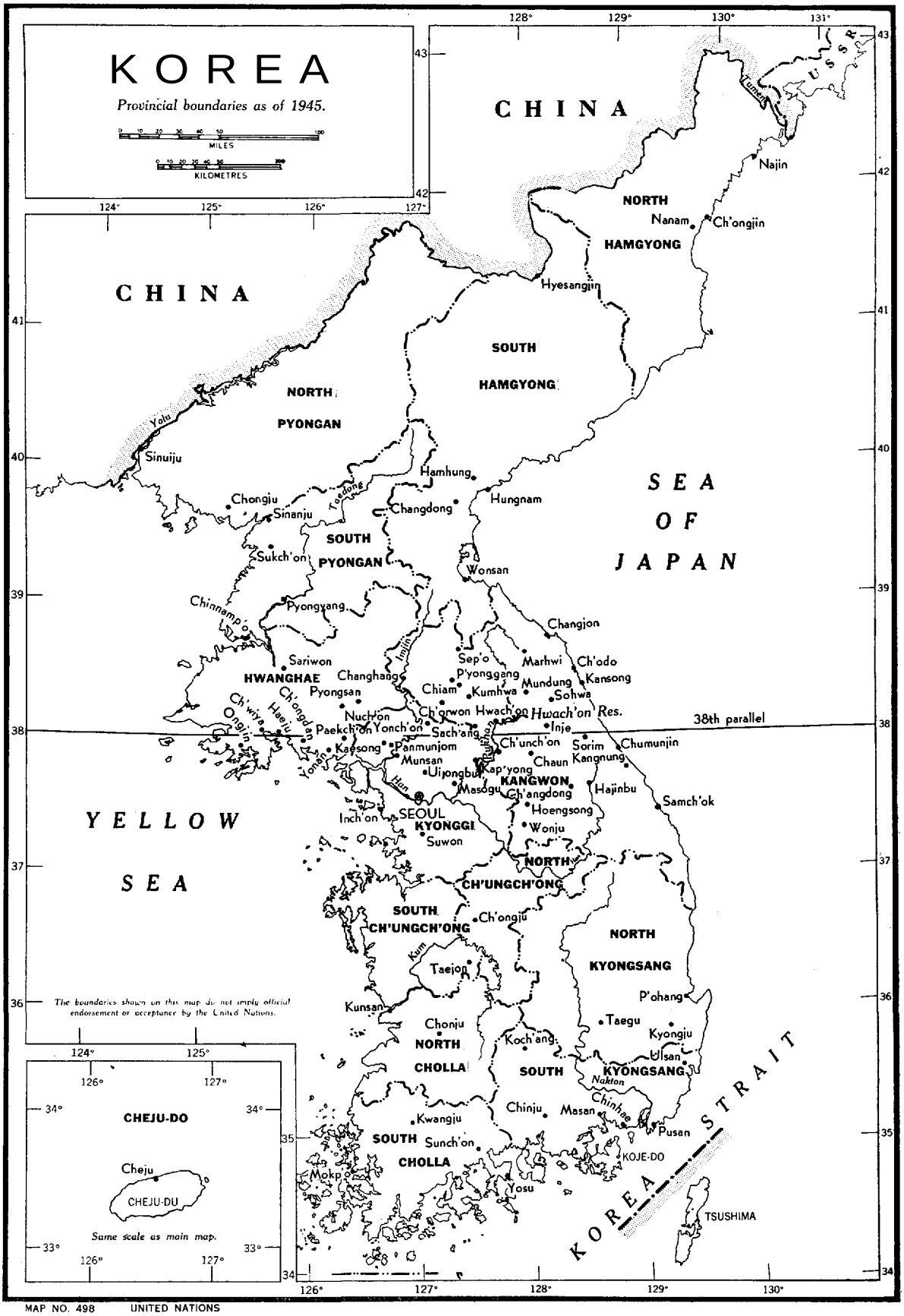
The general situation, the report stated, had made it necessary to accord first priority to the importation of consumer goods which could be sold to cover the local currency costs of the reconstruction programme. While the provision of local currency was the major objective of the import programme, the selection of commodities to be imported was determined by the most pressing needs of the Korean people and the expressed desire of the Government of the Republic. In December 1952, therefore, the Agent General allocated $6 million for the purchase of cereals and $3 million for the import of fertilizer to improve food prospects for next year. The grain, it was reported, was already arriving in Korea. The Agent General also requested the Advisory Committee to approve a modification of the current programme by increasing the amounts allotted for the importation of consumer goods from $14 million to $20 million, in order to increase UNKRA's won resources and to ensure that the Agency's reconstruction programme did not accelerate inflation. He recommended that the additional $6 million should be expended for further grain and fertilizer imports.

The Agent General concluded by stating that substantial additional resources would have to be made available by the free nations of the world if the shattered Korean economy was to be restored. He believed that the programme would have reached a stage by the end of the current financial year when its continuance would depend upon the ability of interested governments to make available to UNKRA any remaining portions of contributions originally pledged to the Negotiating Committee for Extra-Budgetary Funds. He also hoped that additional Member and non-member Governments would support the programme.

The following additional contributions were acknowledged since 15 September 1953: $25 million from the United States and $110,000 from Venezuela and Australia.

The Agent General reported that discussions had been held with the Governments of the Scandinavian countries and of the United Kingdom and it was expected that approximately $8,748,840 would be forthcoming from those sources. Furthermore, the Government of Australia was providing a shipment of barley, against its pledge to an approximate value of $909,440. In addition, a sum of $869,149 had been received, as of December 1952, as miscellaneous income, bringing the total resources so far available and immediately anticipated, to $54,356,383. Of this sum, $4,629,540 was reported to have been expended in the period ending 30 June 1952, leaving a balance of $49,726,843 available for beginning the $70 million programme.

The report was not considered until the second part of the Assembly's seventh session, which opened in February 1953. The Assembly's discussions are, therefore, not dealt with in this Yearbook.



MAP NO. 498
JUNE 1953

UNITED NATIONS

ANNEX I. OFFERS OF MILITARY ASSISTANCE TO THE UNIFIED COMMAND FOR KOREA (AS OF OCTOBER 1952)[30]

Country	Offer	Status
1. Australia	2 destroyers	In action
	1 aircraft carrier	In action
	1 frigate	In action
	1 RAAF fighter squadron	In action
	1 air communication unit with supporting administrative and maintenance personnel	In action
	Ground forces from Australian infantry forces in Japan	In action
	Additional battalion of troops	In action
2. Belgium	Air transport	In operation
	Infantry battalion	In action
	Reinforcements	In action
3. Bolivia	30 officers	Acceptance deferred
4. Canada	3 destroyers	In action
	1 RCAF squadron	In action
	Brigade group, including 3 infantry battalions, 1 field regiment of artillery, 1 squadron of self-propelled anti-tank guns, together with engineer, signal, medical, ordnance and other services with appropriate reinforcements	In action
	Canadian-Pacific Airlines (commercial facilities between Vancouver and Tokyo)	In operation
	10,000-ton dry cargo vessel	In action
5. China	3 infantry divisions	Acceptance deferred
	20 C-47's	Acceptance deferred
6. Colombia	1 frigate	In operation
	1 infantry battalion	In action
7. Costa **Rica**	Sea and air bases	Accepted
	Volunteers	Acceptance deferred
8. Cuba	1 infantry company	Accepted
9. Denmark	Hospital ship "Jutlandia"	In Korea
	Motorship "Bella Dan"	Superseded by offer of hospital ship "Jutlandia"
10. El Salvador	Volunteers if US will train and equip	Acceptance deferred
11. Ethiopia	1,069 officers and men	In action
12. France	1 patrol gunboat	Returned to other duty after service in Korea
	Infantry battalion	In action
13. Greece	7 RHAF transport aircraft	In action
	Ground forces	In action
	Additional unit of land forces	Pending
14. India	Field ambulance unit	In action
15. Italy	Field ambulance unit	In action
16. Luxembourg	Infantry company (integrated into Belgian Forces)	In action

[30] Based on the Special Report by the Unified Command (A/2228), dated 18 October 1952, and amplified by information supplied through delegations concerned.

Country	Offer	Status
17. Netherlands	1 destroyer	In action
	1 infantry battalion	In action
18. New Zealand	2 frigates	In action
	1 combat unit	In action
19. Norway	Merchant ship tonnage	In operation
	Surgical hospital unit	In Korea
20. Panama	Contingent of volunteers	Acceptance deferred
	Use of merchant marine for transportation of troops and supplies	Accepted
	Free use of highways	Accepted
	Farmlands to supply troops	Pending
	Bases for training	Acceptance deferred
21. Philippines	17 Sherman tanks	In action
	1 tank destroyer	In action
	Regimental combat teams consisting of approximately 5,000 officers and men	In action
22. Sweden	Field hospital unit	In action
23. Thailand	Infantry combat team of about 4,000 officers and men	In action
	2 corvettes	In action (one Corvette destroyed after grounding).
	Sea transport	In action
	Air transport	In operation
	Facilities for treatment for frost-bite	Pending
24. Turkey	Infantry combat team of 4,500 men, later increased to 6,086 men	In action
25. Union of South Africa	1 fighter squadron, including ground personnel	In action
26. United Kingdom	Ground troops: 2 brigades composed of brigade headquarters, 5 infantry battalions, 1 field regiment, 1 armoured regiment	In action
	Naval forces: 1 aircraft carrier; 1 aircraft carrier maintenance ship; 2 cruisers, 4 destroyers, 1 survey ship; 1 hospital ship; 7 supply vessels, 4 frigates, 1 headquarters ship;	In action
	Elements of the air force	In action
27. United States	Ground forces: 3 army corps and 1 marine division with supporting elements	In action
	Naval forces: carrier task group with blockade and escort forces; amphibious force; reconnaisance and anti-submarine warfare units; supporting ships	In action
	Air force: 1 tactical air force; 1 bombardment command; 1 combat cargo command; all with supporting elements	In action
	Transport†	
	Medical††	

† No details available. The Unified Command has, however, arranged for transport of United States troops and material, as well as for the transport of some of the forces and material listed in the present summary.

†† No details available. The Unified Command, however, provided full medical facilities not only for US troops but also for the troops of participating governments.

ANNEX II. STATEMENT OF GOVERNMENT OFFERS AND CONTRIBUTIONS FOR THE RELIEF AND REHABILITATION OF KOREA AS AT 15 FEBRUARY 1953[31]

(IN U.S. DOLLAR EQUIVALENTS)

	Under General Assembly resolution 410(V) of 1 December 1950				Under Security Council resolutions pertaining to the Emergency Programme			Total offered, received and promised under both programmes
	Amount offered	Received in cash	Offered in kind and made available to Unified Command	Balance outstanding	Received in kind	Promised	Total received and promised	
Member States								
Argentina	500,000	—	500,000	—	—	—	—	500,000
Australia[32]	4,002,710	—	—	4,002,710	412,326	—	412,326	4,415,036
Belgium	—	—	—	—	60,000	—	60,000	60,000
Brazil	—	—	—	—	—	2,702,703	2,702,703	2,702,703
Burma	49,934	—	49,934	—	—	—	—	49,934
Canada[33]	6,904,762	6,904,762	—	—	—	—	—	6,904,762
Chile[34]	250,000	—	—	250,000	—	—	—	250,000
China	—	—	—	—	634,782	—	634,782	634,782
Cuba	—	—	—	—	270,962	—	270,962	270,962
Denmark	860,000	—	—	860,000	238,011	—	238,011	1,098,011
Dominican Republic	10,000	—	—	10,000	—	—	—	10,000
Ecuador	—	—	—	—	99,441	—	99,441	99,441
Egypt	28,716	—	—	28,716	—	—	—	28,716
El Salvador	500		—	500	—	—	—	500
Ethiopia[35]	40,000	40,000	—	—	—	—	—	40,000
France	—	—	—	—	74,286	—	74,286	74,286
Greece	—	—	—	—	153,219	—	153,219	153,219
Guatemala[36]	—		—	—	—	—	—	—
Honduras	2,500	2,500	—	—	—	—	—	2,500
Iceland	—	—	—	—	45,400	—	45,400	45,400
India	—	—	—	—	171,080	—	171,080	171,080
Indonesia	100,000	100,000	—	—	—	—	—	100,000
Iran [37]	—	—	—	—	—	—	—	—
Israel	33,600	—	33,600	—	63,000	—	63,000	96,600
Lebanon[38]	50,000	50,000	—	—	—	—	—	50,000
Liberia	15,000		15,000	—	10,000	—	10,000	25,000
Luxembourg	30,000	20,000	—	10,000	—	—	—	30,000
Mexico[39]	—	—	—	—	346,821	—	346,821	346,821
Netherlands	263,158	263,158	—	—	—	—	—	263,158
New Zealand	—	—	—	—	279,597	—	279,597	279,597

Paraguay[48]	10,000	10,000	—	—	—	—	—	10,000
Peru	—	—	—	—	58,723	—	58,723	58,723
Philippines[44]	—	—	—	—	2,330,653	—	2,330,653	2,330,653
Saudi Arabia	20,000	20,000	—	—	—	—	—	20,000
Sweden	966,518	—	—	966,518	48,326	—	48,326	1,014,844
Syria[45]	11,408	—	—	11,408	—	—	—	11,408
Thailand	—	—	—	—	4,368,000	—	4,368,000	4,368,000
Turkey[46]	—	—	—	—	—	—	—	—
United Kingdom	28,000,000	700,000	—	27,300,000	752,146[47]	580,962	1,333,108	29,333,108
United States[48]	162,500,000	35,000,000	—	127,500,000	321,688,005		321,688,005	484,188,005
Uruguay	—	—	—	—	250,780	2,000,000	2,250,780	2,250,780
Venezuela	70,000	—	70,000	—	80,842	—	80,842	150,842
TOTAL	205,550,806	43,110,420	668,534	161,771,852	332,885,685	5,283,665	338,169,350	543,720,156
Non-member States								
Austria	40,000	—	40,000	—	—	—	—	40,000
Cambodia[49]	—	—	—	—	2,429	25,000	27,429	27,429
Germany	—	—	—	—	47,619	—	47,619	47,619
Japan	—	—	—	—	50,000	—	50,000	50,000
Switzerland (and International Red Cross[50])	—	—	—	—	34,884	—	34,884	34,884
Vietnam[51]	10,000	10,000	—	—	—	1,943	1,943	11,943
TOTAL	50,000	10,000	40,000	—	134,932	26,943	161,875	211,875
GRAND TOTAL	205,600,806	43,120,420	708,534	161,771,852	333,020,617	5,310,608	338,331,225	543,932,031

[31] Taken from Addenda to the Report of the Agent General of the United Nations Korean Reconstruction Agency (A/2222/Add.l & 2).

[32] Contributions to emergency programme deducted from amount pledged to UNKRA.

[33] Converted from Canadian $7,250,000 at rate ruling on date of receipt, 31 March 1951—Can. $1.05—US $1.00.

[34] An offer of nitrates from the Government of Chile is pending further legislation.

[35] Expended by WHO on behalf of UNKRA on medical supplies for Unified Command.

[36] "Several thousand tons of timber"—offered but not yet valued.

[37] An offer of fuel was declined by Unified Command owing to difficulty of transportation.

[38] Offered to emergency programme but made available to UNKRA.

[39] Supplies to value of $462,428 were shipped to Korea of which $115,607 was intended as contribution to Palestine relief. This will be subject to adjustment between emergency programme and UNRWAPRNE.

[40] Tentative value only.

[41] Offer of supplies declined by Unified Command unless made available at US port.

[42] Contributions to emergency programme deducted from amount pledged to UNKRA. *Tentative value only.

[48] Offered to emergency programme but made available to UNKRA.

[44] Tentative value only.

[45] Offer not yet formally confirmed.

[46] An offer of medical supplies was declined by Unified Command owing to difficulty of shipment.

[47] Tentative value only.
"Total contribution to emergency relief through Unified Command from 25 June 1950 to 31 December 1952.

[49] An offer of rice, dried fish and timber is under consideration by Unified Command.

[50] Tentative value only.

[51] An offer of rice is under consideration by Unified Command.

ANNEX III. SUMMARY OF ASSISTANCE FOR THE KOREAN EMERGENCY RELIEF PROGRAMME (REPORTED BY THE AGENT GENERAL OF UNKRA AS AT 15 SEPTEMBER 1952 (A/2222) AND FROM 15 SEPTEMBER 1952 to 15 FEBRUARY 1953 (A/2222/Add.1 and 2)

A. MEMBER AND NON-MEMBER STATES

1. OFFERS MADE DIRECT TO EMERGENCY PROGRAMME

AS AT 15 SEPTEMBER 1952

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
Australia	28 Nov. 1950	Penicillin crystalline	67,344		Arrived in Korean theatre
	14 Dec. 1950	Distilled water	31,836		Arrived in Korean theatre
		Laundry soap, 116,000 lbs.	8,029		Arrived in Korean theatre
	8 Jan. 1951	Procaine penicillin	108,547		Arrived in Korean theatre
	31 Jan. 1951	Barley, 2,000 long tons	196,570	412,326	Arrived in Korean theatre
Belgium	7 Nov. 1950	Sugar, 400 metric tons	60,000	60,000	Arrived in Korean theatre
Brazil	22 Sept. 1950	Cruzeiros, 5.0 million	2,702,703	2,702,703	Pending legislation
Cambodia	11 May 1951	Salted fish, 1,400 kgs.	389		Arrived in Korean theatre
	14 June 1951	Rice, 52 metric tons	583		Arrived in Korean theatre
	25 Feb. 1952	Rice, 100 sacks	1,457	2,429	Under shipment
China	4 Oct. 1950	Coal, 9,900 metric tons Rice, 1,000 metric tons Salt, 3,000 metric tons DDT, 20 metric tons	613,630		Shipped direct to Korea by Government of China
	17 July 1951	Medical supplies	21,152	634,782	Stored in Japan
Cuba	2 Oct. 1950	Sugar, 2,000 metric tons Alcohol, 10,000 gallons	270,962	270,962	Arrived in Korean theatre
Denmark	5 July 1950	Medical supplies	142,964		Arrived in Korean theatre
	26 Sept. 1950	Sugar, 500 metric tons	95,047	238,011	Arrived in Korean theatre
Ecuador	13 Oct. 1950	Rice, 500 metric tons	99,441	99,441	Arrived in Korean theatre
France	9 Oct. 1950	Medical supplies	74,286	74,286	Arrived in Korean theatre
	29 Dec. 1950	Medical supplies			
Greece	20 Oct. 1950	Soap, 113 metric tons	31,167		Arrived in Korean theatre
	30 Nov. 1950	Notebooks and pencils, 25,000 each	1,333		Arrived in Korean theatre
	27 Dec. 1950	Medical supplies	84,586		Arrived in Korean theatre
	15 April 1952	Salt, 10,000 tons	36,133	153,219	Accepted by Unified Command
Iceland	14 Sept. 1950	Cod Liver oil, 125 metric tons	45,400	45,400	Arrived in Korean theatre
India	4 Oct. 1950	Jute bags, 400,000	167,696		Arrived in Korean theatre
	11 Oct. 1950	Medical supplies	3,384	171,080	Arrived in Korean theatre

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
Israel	22 Aug. 1950	Medical supplies	63,000	63,000	Arrived in Korean theatre
Liberia	17 July 1950	Natural rubber	10,000	10,000	Arrived in Korean theatre
Mexico[52]	30 Sept. 1950	Pulses and rice Medical supplies	346,821	346,821	Arrived in Korean theatre
New Zealand	6 Oct. 1950	Dried peas, 492 long tons	55,318		Arrived in Korean theatre
	20 Nov. 1950	Milk powder, 150 metric tons	66378[53]		Arrived in Korean theatre
		Soap, 200 metric tons	49,644[53]		Arrived in Korean theatre
	14 Mar. 1951	Vitamin capsules	38,532[53]		Arrived in Korean theatre
	26 May 1952	Soap and vitamin capsules	69,725[53]	279,597	Accepted by Unified Command
Nicaragua	16 Nov. 1950	Rice, 1,000 quintals	—		Declined unless can be made available at United States port
	16 Dec. 1950	Rice, 2,000 quintals Alcohol, 5,000 quarts			
Norway	13 Feb. 1951	Soap, 120,250 lbs.	21,091		Arrived in Korean theatre
		Vitamins, 24,850 bottles	10,210		Arrived in Korean theatre
		Ether	36,699[53]	71,000	Under shipment
Pakistan	29 Aug. 1950	Wheat, 5,000 metric tons	378,285	378,285	Arrived in Korean theatre
Peru	21 Nov. 1950	Clothing, cotton wool and cloth	58,723	58,723	Under shipment
Philippines	7 July 1950	Soap, 50,000 cakes	5,500		Under shipment
	7 Sept. 1950	Vaccine	50,050		Arrived in Korean theatre
	8 Sept. 1950	Rice, 10,000 metric tons	2,255,628		8,285 tons arrived in Korean theatre, balance awaiting shipment. Tentative value only
	8 Sept. 1950	Fresh blood, 518 units	19,475		Arrived in Korean theatre
	29 Nov. 1950	Fresh blood, 500 units	—	2,330,653	Declined
Sweden	14 May 1952	Medical supplies	48,326	48,326	Under shipment
Thailand	20 Sept. 1950	Rice, 40,000 metric tons	4,368,000	4,368,000	Arrived in Korean theatre
Turkey	29 Aug. 1950	Vaccines and serums	—	—	Declined owing to difficulties of transportation
United Kingdom of Great Britain and Northern Ireland	19 Oct. 1950	Salt, 6,000 long tons	139,150		Arrived in Korean theatre
	20 Oct. 1950	Sulfa drugs	48,791		Arrived in Korean theatre
	22 Dec. 1950	Food yeast, 50 long tons	25,167		Arrived in Korean theatre
	19 June 1951	Supplies to the value of £400,000 including:	1,120,000		Supplies to be made available at request of Unified Command
		Charcoal, 24,000 piculs			Under shipment

[52] Supplies to the value of $462,428 were shipped by the Mexican Government to Korea, of which $115,607 was intended as a contribution to Palestine relief. This will be subject to adjustment between the Emergency Programme and UNRWAPRNE.

[53] Tentative value only.

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
		Salt, 8,200 long tons			Arrived in Korean theatre
		Food yeast, 75 tons			Accepted by Unified Command
		Cotton sheeting		1,333,108	Acceptance pending
United States of America	Official valuation received on 10 Oct. 1952	Total contribution to emergency relief from 25 June 1950 to 31 August 1952		253,728,212	This total includes: $214,966,395 for goods supplied or in process of supply from US Army plus transportation costs of $31,270,488; US borne transportation for sundry donations $1,966,483; ECA relief assistance (exclusive of approximately $32 million non-relief ECA economic assistance) $5,524,846
Uruguay	14 Sept. 1950	2 million dollars (US)	2,000,000		Pending legislation
	28 Oct. 1950	Blankets, 70,000	250,780	2,250,780	Arrived in Korean theatre
Venezuela	14 Sept. 1950	Medical supplies and foodstuffs	80,842	80,842	
			TOTAL	270,211,986	

FROM 15 SEPTEMBER 1952 TO 15 FEBRUARY 1953

Total received **and promised to 15 September** 1952 270,211,986

Cambodia	8 Nov. 1952	Rice, dried fish and timber	25,000		Acceptance pending
Germany	25 Nov. 1952	Medical supplies	47,619		Accepted by Unified Command
Iran	13 Jan. 1953	1,000 tons of fuel	Not valued		Declined owing to difficulties of transportation
Japan	8 Jan. 1953	Cotton cloth, thread, cotton socks, underwear, medical supplies	50,000		Accepted by Unified Command
Switzerland (and International Red Cross)	11 Dec. 1952	Medical supplies	38,884		Accepted by Unified Command. Tentative value only
United Kingdom	5 Jan. 1953	Medical supplies, blankets, cotton goods, underwear, nails			Acceptance pending. The value of these supplies (approximately $280,000) will be deducted from amount of $1,120,000 pledged on 19 June 1951

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
United States of America	Official valuation received on 12 Feb. 1953	Additional contribution for emergency relief from 31 August 1952 —31 December 1952	57,959,793		This total includes cost of goods supplied or in process of supply from U.S. Army plus transportation costs; also included are U.S. borne transportation costs for sundry donations
Vietnam	22 Nov. 1952	Rice: 10 tons	1,943	68,119,239	Acceptance pending
		TOTAL TO 15 FEBRUARY 1953		338,331,225	

2. OFFERS MADE TO THE NEGOTIATING COMMITTEE ON CONTRIBUTIONS TO PROGRAMMES OF RELIEF AND REHABILITATION BUT MADE AVAILABLE BY UNKRA TO THE EMERGENCY PROGRAMME

AS AT 15 SEPTEMBER 1952

Argentina	8 Aug. 1951	Corned meats, 13,950 cases	500,000	500,000	Arrived in Korean theatre
Burma	1 Feb. 1951	Rice, 400 metric tons	49,934	49,934	Arrived in Korean theatre
Israel	19 Feb. 1951	Citrus products	33,600	33,600	Arrived in Korean theatre
Liberia	23 Feb. 1951	Natural rubber	15,000	15,000	Arrived in Korean theatre
			TOTAL	598,534	

FROM 15 SEPTEMBER 1952 TO 15 FEBRUARY 1953

Total received to 15 September 1952				598,534	
Austria	16 June 1952	Medical equipment	40,000		Under shipment
Venezuela	11 Mar. 1952	Canned fish, footwear, and cotton blankets	70,000	110,000	Under shipment
			TOTAL	708,534	

3. CASH CONTRIBUTIONS OFFERED TO THE EMERGENCY PROGRAMME BUT CREDITED TO UNKRA

AS AT 15 SEPTEMBER 1952; NO CHANGE BY 15 FEBRUARY 1953

"Ethiopia	5 Aug. 1950	£14,286 Sterling		40,000	Transferred by UNKRA to World Health Organization and expended on medical supplies for Unified Command
Lebanon	26 July 1950	$US50,000		50,000	
Paraguay	3 Nov. 1950	$US10,000		10,000	
			TOTAL	100,000	

SUMMARY OF ALL GOVERNMENTAL ASSISTANCE

As AT 15 SEPTEMBER 1952

Section (1)	270,211,986
Section (2)	598,534
Section (3)	100,000
GRAND TOTAL (PART A)	270,910,520

As AT 15 FEBRUARY 1953

Section (1)	338,331,225
Section (2)	708,534
Section (3) unchanged from original report	100,000
GRAND TOTAL	339,139,759

B. NON-GOVERNMENTAL ORGANIZATIONS (BY COUNTRY)

AS AT 15 SEPTEMBER 1952

Country	Date of offer	Details of offer	Value ($ US equivalent)	total	Status
Australia					
Save the Children Fund	25 June 1951	Services of 3 medical and welfare personnel			1 doctor now working in Korea with UNCACK
Canada					
United Church of Canada	19 April 1951	Used clothing and shoes, 24,000 lbs.	24,000		Arrived in Korean theatre
	14 Nov. 1951	Used clothing, 30,000 lbs.	30,000		Arrived in Korean theatre
	4 Feb. 1952	Used clothing, 30,000 lbs.	30,000		Arrived in Korean theatre
	7 May 1952	Used clothing, 40,000 lbs.	40,000		Accepted by Unified Command
	21 July 1952	Used clothing, 40,000 lbs.	40,000	164,000	Accepted by Unified Command
Colombia					
Commercial firms	3 Mar. 1951	Clothing—amount not specified			Accepted by Unified
	19 Mar. 1951	Clothing—amount not specified		500	Command
Japan					
Japan Canned and Bottled Food Assoc.	27 April 1951	Preserved foods, 300 cases	3,000		Arrived in Korean theatre. Tentative value only
Japanese Catholic Organization AI RIN KAI	17 June 1952	Textiles and miscellaneous supplies	5,400	8,400	Stored in Japan
New Zealand					
Council of Organizations for Relief Services Overseas	21 Nov. 1950	Used clothing, 71 cases	11,377		Arrived in Korean theatre

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
	16 Mar. 1951	Used clothing, 48 cases	19,392		Arrived in Korean theatre
	15 Oct. 1951	Used footwear and clothing, 104 cases	44,069		Accepted by Unified Command
	23 April 1952	Used clothing, 15 cases	12,029		Accepted by Unified Command
	23 April 1952	Clothing and footwear, 9 cases, 10 bales	14,052		Accepted by Unified Command
	16 May 1952	Medical books, 12 cases	1,349		Accepted by UNKRA for medical library
	25 Aug. 1952	Medical books (not yet valued)		102,268	Accepted by UNKRA for medical library
Norway					
Europahjelpen	29 Dec. 1950	Clothing, 126 metric tons	277,780	277,780	Arrived in Korean theatre
United Kingdom					
YWCA, Hong Kong	29 Mar. 1951	Clothing and cloth, 1,200 lbs.	1,200	1,200	Arrived in Korean theatre. Tentative value only
United States of America					
American Friends Service Committee	16 Nov. 1950	Used clothing, 103,000 lbs. Soap, 5,000 lbs.	104,000		Part arrived in Korea, balance under shipment
	23 Jan. 1951	Used clothing, 10 metric tons	20,000		Part arrived in Korea, balance under shipment
	14 Feb. 1951	Used clothing, 11,000 lbs.	10,000		Part arrived in Korea, balance under shipment
	12 Mar. 1951	Used clothing, 7,500 lbs.	7,500		Arrived in Korean theatre
	28 May 1951	Used clothing, 24,233	24,233		Arrived in Korean theatre
	12 July 1951	Used clothing, 67,500 lbs.	67,500		Part arrived in Korea, balance stored in Japan
	28 Aug. 1951	Used clothing, 32,500	32,500		Arrived in Korean theatre
	11 Sept. 1951	Used clothing, 60,860 lbs.	60,860		Arrived in Korean theatre
		Soap, 3,700 lbs.	370	326,963	Arrived in Korean theatre
American Relief for Korea	13 June 1951	Used clothing and shoes, 500,000 lbs.	480,000		Arrived in Korean theatre
	24 Oct. 1951	Used clothing and shoes 3,868,403 lbs. Hospital supplies, 1,135 lbs. Powdered milk, 400 lbs.	3,869,650		Arrived in Korean theatre
	3 Mar. 1952	Used clothing and shoes, 1,500,000 lbs.	1,225,000		Part arrived in Korea, balance under shipment
	13 Mar. 1952	Rice, 20,000 lbs.	2,000		Arrived in Korean theatre
	21 May 1952	Canned goods, 150 lbs.	30		Accepted by Unified Command
		Children's supplies, 315 lbs	315		Accepted by Unified Command

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
		Physician's samples, 177 lbs. (no commercial value)			Accepted by Unified Command
	18 Aug. 1952	Used clothing and shoes, 1,500,000 lbs.	1,225,000		Accepted by Unified Command
		Laundry and toilet soap, 12,000 lbs.	2,160	**6,804,155**	Accepted by Unified Command
Church World Service	25 Sept. 1950	Used clothing and miscellaneous supplies	104,958		Arrived in Korean theatre
	6 Nov. 1950	Vitamin tablets, 1,000,000	5,500		Arrived in Korean theatre
		Used clothing, 100,000 lbs.	100,000		Arrived in Korean theatre
	30 Jan. 1951	Used clothing, 60,000 lbs.	60,000		Arrived in Korean theatre
	19 Feb. 1951	Used clothing, 12,000 lbs.	12,000		Arrived in Korean theatre
	21 Feb. 1951	Used clothing, 40,000 lbs.	40,000		Arrived in Korean theatre
	2 April 1951	Used clothing, 10,000 lbs.	10,000		Arrived in Korean theatre
	18 May 1951	Used clothing, 50,000 lbs.	50,000		Arrived in Korean theatre
	28 Mar. 1952	Hospital supplies (including 1,000,000 vitamin tabs.), 6,720 lbs.	33,600		Arrived in Korean theatre
		Used clothing, 268,567 lbs.	268,567		Arrived in Korean theatre
		Food, 54,248 lbs.	14,595		Arrived in Korean theatre
		Soap, 2,433 lbs.	243	699,463	Arrived in Korean theatre
Committee for Free Asia	8 Aug. 1951	Newsprint, 1,000 tons	150,000	150,000	Arrived in Korean theatre
Co-operative Agencies for Remittances to Europe, Inc. (CARE)	21 Sept. 1950	Food and clothing packages	100,000		Arrived in Korean theatre
	20 Nov. 1950	Blankets and textile packages	154,294		Arrived in Korean theatre
	10 April 1951	Food packages	100,000		Arrived in Korean theatre
	19 June 1951	Food packages	100,000		Arrived in Korean theatre
		Blanket packages	28,000		Arrived in Korean theatre
	25 July 1951	Food packages	110,000		Arrived in Korean theatre
	13 Aug. 1951	Dress material, soap, food	1,565		Arrived in Korean theatre
	22 Aug. 1951	Food packages	100,000		Arrived in Korean theatre
	19 Oct. 1951	Knitting wool packages	25,000		Arrived in Korean theatre
	3 Dec. 1951	Clothing and blanket packages	85,000		Arrived in Korean theatre
		Food packages	100,000		Arrived in Korean theatre

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
	9 Jan. 1952	Soap packages	38,800		Arrived in Korean theatre
	21 Jan. 1952	Blankets and underwear	80,000		Part arrived Korea, balance available Japan
	21 Feb. 1952	Food packages	100,000		Arrived in Korean theatre
	10 Mar. 1952	Food packages	230,000		Part delivered Korea, balance under shipment
	21 Mar. 1952	Cotton packages	17,500		Under shipment
	25 April 1952	Food packages	140,000		Under shipment
	23 May 1952	Knitting packages	25,000		Under shipment
	14 July 1952	Food packages	100,000		Accepted by Unified Command
	31 July 1952	Cloth, 13,595 lbs.	10,000		Accepted by Unified Command
	19 Aug. 1952	Food packages, 14,870 lbs.	74,350	1,719,509	Accepted by Unified Command
Friendship Among Children and Youth Around the World Inc.	26 Feb. 1952	Relief parcels, clothing, shoes	8,700	8,700	Under shipment
General Conference of Seventh Day Adventists	11 April 1951	Used clothing, 19,000 lbs.	10,000	10,000	Arrived in Korean theatre
Heifer Project Committee	6 Mar. 1952	Hatching eggs, 250,000	17,500		Arrived in Korean theatre, offer originally made to UNKRA who in turn offered this donation to Unified Command
	19 June 1952	Goats, 100 / Pigs, 300	25,000	42 500 / 42,500	
Lutheran World Relief	23 Feb. 1951	Used clothing, 44,500 lbs.	44,500		Arrived in Korean theatre
	26 Mar. 1951	Used clothing and soap, 12,851 lbs.	12,851		Arrived in Korean theatre
	26 April 1951	Used clothing, 200 bales	25,287		Arrived in Korean theatre
	18 July 1951	Used clothing, 290 bales	29,000		Arrived in Korean theatre
	15 April 1952	Used clothing and bedding, 21,750 lbs.	21,750		Under shipment
	1 May 1952	Used clothing, 60,000 lbs.	60,000		Under shipment
	19 June 1952	Used clothing and bedding	14,031	207,469	Accepted by Unified Command
Manget Foundation	26 Sept. 1951	Used clothing, 101 bales	9,000	9,000	Arrived in Korean theatre
Mennonite Central Committee	Oct. 1951	Services of 1 supply officer			Services made available for one year from October 1951
Oriental Missionary Society	19 Feb. 1951	Used clothing, 102,883 lbs.	102,883	102,883	Arrived in Korean theatre
Presbyterian Church in the United States	10 Sept. 1951	Medical supplies	950	950	Arrived in Korean theatre

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
Save the Children Federation	12 Dec. 1950	Used clothing, 4,913 lbs.	5,033		Arrived in Korean theatre
	16 Feb. 1951	Used clothing, 10,011 lbs.	10,087		Arrived in Korean theatre
	23 April 1951	Used clothing, 13,512 lbs.	13,610		Arrived in Korean theatre
	9 July 1951	Used clothing, 15,700 lbs.	15,395		Arrived in Korean theatre
	20 July 1951	School equipment	1,200		Arrived in Korean theatre
	10 Oct. 1951	Used clothing, 15,136 lbs.	15,115		Arrived in Korean theatre
	10 Oct. 1951	School equipment and gift packages	7,500		Part arrived Korean theatre, part under shipment
	22 Oct. 1951	Used clothing, 4,826 lbs.	4,826		Arrived in Korean theatre
	10 Dec. 1951	Used clothing, 9,867 lbs.	9,867		Arrived in Korean theatre
	21 Jan. 1952	Gift packages and tents	2,900		Arrived in Korean theatre
	28 April 1952	School equipment	5,000		Under shipment
		Used clothing, 10,257 lbs.	10,326		Under shipment
	9 July 1952	Tents and poles	360		Accepted by Unified Command
	4 Aug. 1952	Layettes	900	102,119	Accepted by Unified Command
War Relief Services	17 Oct. 1950	Used clothing, soap, medicinal supplies	290,749		Arrived in Korean theatre
National Catholic Welfare Conference	27 Oct. 1950	Services of medical team			Declined
	17 Nov. 1950	Clothing, shoes, soap	99,739		Arrived in Korean theatre
	29 Nov. 1950	Used clothing, 1,000,000 lbs.	1,000,000		Arrived in Korean theatre
	7 Dec. 1950	Used clothing, 1,000,000 lbs.	1,000,000		Arrived in Korean theatre
	7 Dec. 1950	Used clothing 70,000 lbs.	70,000		Arrived in Korean theatre
	16 Feb. 1951	Medicinals	2,600		Arrived in Korean theatre
		Used clothing 20,000 lbs.	20,000		Arrived in Korean theatre
	26 Mar. 1951	Dried milk, 1,000,000 lbs.	125,000		Arrived in Korean theatre
		Dried eggs, 100,000 lbs.	40,000		Arrived in Korean theatre
	30 Aug. 1951	Used clothing, 10,000 lbs.	10,000		Arrived in Korean theatre
	22 Oct. 1951	Used clothing, 950,000 lbs.	950,000		Arrived in Korean theatre
	6 Dec. 1951	Used clothing, 400,000 lbs.	400,000		Arrived in Korean theatre
	27 Dec. 1951	Used clothing, 115,000 lbs.	115,000		Under shipment
	15 Feb. 1952	Used clothing, 12,000 lbs.	12,000		Part delivered Korean theatre, balance under shipment
	12 Mar. 1952	Baby foods, 31,844 lbs.	8,250	4,143,338	Under shipment

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
Miscellaneous					
United States Sources					
Anonymous donors	—	Used clothing, 130,802 Ibs.	130,802		Arrived in Korean theatre
	—	Chaplain's supplies	3,360		Arrived in Korean theatre
	—	Canned milk and food	250		Arrived in Korean theatre
	—	Law books, 1 set	600		Arrived in Korean theatre
Mrs. J. M. Lee, Chicago	—	Used clothing, 1,120 Ibs.	1,120		Arrived in Korean theatre
Korean Consul General, San Francisco	—	Used clothing, 756 Ibs.	750		Arrived in Korean theatre
School Children of San Francisco	—	Rice, 800 Ibs.	80		Arrived in Korean theatre
USA Naval Hospital Bethesda	—	Medical books, 2 cases	500		Arrived in Korean theatre
US 3rd Army	—	Baby clothes and used clothing	10,857		Arrived in Korean theatre
USAF 19 Bomardment Wing	—	Used clothing, 200 Ibs.	120		Arrived in Korean theatre
Special Service Officer, US Army in Pacific	—	Used clothing, 16 boxes	1,120		Arrived in Korean theatre
Sharp and Dohme, Philadelphia	—	"Captivite" 600 bottles	1,000		Arrived in Korean theatre
Cash donations	—		1,903	152,462	
TOTAL NON-GOVERNMENTAL ORGANIZATIONS AND MISCELLANEOUS				15,033,659	
FROM 15 SEPTEMBER 1952 TO 15 FEBRUARY 1953					
Total received to 15 September 1952				15,033,659	
Canada					
United Church of Canada	27 Oct. 1952	Used clothing, 40,000 Ibs.	40,000		Accepted by Unified Command
	17 Dec. 1952	Used clothing,			Accepted by Unified
Unitarian Services Commission		40,000 Ibs.	40,000	80,000	Command
	18 Dec. 1952	Used clothing, 4,000 Ibs.	4,000		Accepted by Unified Command
New Zealand					
Council of Organizations for Relief Services Overseas	15 Oct. 1952	Used clothing and footwear, 33 cubic tons	24,640		Accepted by Unified Command
	26 Nov. 1952	Dental supplies	200	24,840	Accepted by Unified Command

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
United States of America					
American Relief for Korea	10 Nov. 1952	Toilet and laundry soap	4,500		Accepted by Unified Command
	13 Nov. 1952	Used clothing and shoes, 1,500,000 lbs.	1,225,000		Accepted by Unified Command
	16 Jan. 1953	Toilet and laundry soap, 25,000 lbs.	4,500		Accepted by Unified Command
	22 Jan. 1953	Dried fruit: 10,458 lbs.	1,992	1,235,992	Accepted by Unified Command
Cooperative Agencies for Remittances to Europe, Inc. (CARE)	6 Oct. 1952	Vitamins: 350 cartons	9,500		Accepted by Unified Command
	16 Oct. 1952	Cotton, wool blankets, underwear packages and remnants	43,000		Accepted by Unified Command
	28 Oct. 1952	200 Korean cotton packages	20,000		Accepted by Unified Command
	13 Nov. 1952	2,030 knitting wool packages	20,300		Accepted by Unified Command
	13 Nov. 1952	1,500 underwear packages	15,000		Accepted by Unified Command
	13 Nov. 1952	5,000 food packages	50,000		Accepted by Unified Command
	8 Jan. 1953	1,500 blanket packages	10,500	168,300	Accepted by Unified Command
Friendship Among Children and Youth Around the World, Inc.	4 Dec. 1952	1,470 "Share your Friendship" parcels	12,000	12,000	Accepted by Unified Command
Lutheran World Relief	23 Oct. 1952	Used clothing: 1 ton	8,000	8,000	Accepted by Unified Command
Miscellaneous United States Sources					
Religious denominations, Fort Devens	—	Miscellaneous welfare supplies	1,000		Accepted by Unified Command
U.S. Army Chapels, Alaska	—	Food	1,271		Accepted by Unified Command
A. William Neal, Chicago	—	Medical library	2,500		Accepted by Unified Command
States Grain Corporation	—	1,800 bushels soft white wheat	4,000		Accepted by Unified Command
Cash donations	—		800	9,571	Accepted by Unified Command
TOTAL NON-GOVERNMENTAL ORGANIZATIONS				16,576,362	

C. SPECIALIZED AGENCIES

AS AT 15 SEPTEMBER 1952; NO CHANGE BY 15 FEBRUARY 1953

Agency	Date of offer	Details of offer	($ US equivalent)		Status
International Labour Office	29 Nov. 1950	Services of 2 labour advisers			Services made available by ILO until 1 January 1952
International Refugee Organization	3 Aug. 1950	Clothing, cloth, thread, kitchen equipment, sewing machines	179,000		Arrived in Korean theatre
	8 Aug. 1950	Medical supplies: 2 metric tons	12,177		Arrived in Korean theatre
	19 Aug. 1950	Services of 5 medical team personnel Services of 4 medical team personnel Services of 5 supply officers			Services made available by IRO until 1 January 1952
				191,177	
United Nations Educational, Scientific and Cultural Organization	31 Jan. 1951	$100,000 for purchase of educational supplies	100,000	100,000	Made available to Unified Command
United Nations International Children's Emergency Fund	27 Sept. 1950	Blankets, 312,020	535,006		Arrived in Korean theatre
		Powdered milk, 330,000 lbs.	10,054		Arrived in Korean theatre
	28 Sept. 1950	Soap, 100,000 lbs.	7,167		Arrived in Korean theatre
		Medical supplies	1,964		Arrived in Korean theatre
	26 Jan. 1951	Clothing	200,000		Arrived in Korean theatre
	1 Feb. 1951	Clothing	199,586		Arrived in Korean theatre
		Freight charges on cod liver oil donated by Iceland	3,729		Arrived in Korean theatre
	24 July 1951	Cotton cloth, 2,400,000 yds.	540,000	1,497,506	Arrived in Korean theatre
World Health Organization	8 Aug. 1950	Services of 10 medical team personnel			Services made available by WHO until 1 January 1952
	4 Sept. 1950	Services of 3 public health advisors			
	22 Nov. 1950	Services of 10 medical team personnel			
		TOTAL		1,788,683	

D. LEAGUE OF RED CROSS SOCIETIES

AS AT 15 SEPTEMBER 1952

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
League of Red Cross Societies, Geneva	11 Nov. 1950	Services of 9 medical teams each of 3 persons			5 teams made available by Red Cross until 1 January 1952
		Tents, blankets, medical supplies, clothing			Supplied direct to the Korean Red Cross
	7 May 1952	Reconditioned clothing, knitting wool	2,016	2,016	Arrived in Korean theatre
American Junior Red Cross	8 June 1951	Educational gift boxes	100,000		Arrived in Korean theatre
	27 July 1951	School chests	7,600		Arrived in Korean theatre
	2 Aug. 1951	Children's clothing	150,000		Arrived in Korean theatre
	5 Sept. 1951	Educational gift boxes	100,000		Part delivered in Korean thatre, balance under shipment
	7 May 1952	Duplicating machines	2,700		Arrived in Korean theatre
	1 July 1952	School chests and educational gift boxes	210,000	570,300	Accepted by Unified Command
American Red Cross Society	2 Aug. 1951	Layettes and blankets	46,000	46,000	Arrived in Korean theatre
Australian Red Cross Society	31 July 1951	Medical supplies	970		Arrived in Korean theatre
	2 Aug. 1951	Used clothing	6,100		Arrived in Korean theatre
	11 Mar. 1952	Used clothing	2,000		Arrived in Korean theatre
	7 May 1952	Used clothing	6,720		Arrived in Korean theatre
	7 May 1952	Used clothing	2,000	17,790	Arrived in Korean theatre
British Red Cross Society	31 July 1951	Woollen clothing	8,400	8,400	Arrived in Korean theatre
Canadian Red Cross Society	7 May 1952	Knitting wool	2,240	2,240	Under shipment
Costa Rican Red Cross Society	3 Mar. 1951	Used clothing	1,761	1,761	Arrived in Korean theatre
Greek Red Cross Society	13 June 1951	Dried fruits	686	686	Arrived in Korean theatre
Indian Red Cross Society	13 June 1951	Mepacrine tablets	6,090		Arrived in Korean theatre
	15 Aug. 1951	Medical supplies	2,100	8,190	Part arrived in Korean theatre, balance stored in Japan
Iranian Red Lion and Sun Society	31 July 1951	Blankets and clothing	3,900	3,900	Arrived in Korean theatre

Country	Date of offer	Details of offer	Value ($ US equivalent)	Total	Status
Japan Red Cross Society	19 June 1951	Medical supplies, clothing and food	36,000		Part delivered Korean theatre, balance stored in Japan
	22 Jan. 1952	Medical supplies	25,000	61,000	Stored in Japan
New Zealand Red Cross Society	7 May 1952	Knitting wool and needles	194	194	Arrived in Korean theatre
Norwegian Red Cross Society	31 July 1951	Hospital supplies	5,640	5,640	Arrived in Korean theatre
Swedish Red Cross Society	2 Aug. 1951	Used clothing	90,000		Arrived in Korean theatre
	28 Feb. 1952	Used clothing	82,512	172,512	Arrived in Korean theatre
Turkish Red Crescent	10 Jan. 1951	Knitting wool and needles	898	898	Arrived in Korean; theatre
		TOTAL		901,527	

FROM 15 SEPTEMBER 1952 TO 15 FEBRUARY 1953

Total received to 15 September 1952 901,527

Australian Red Cross Society	9 Oct. 1952	Used clothing, 95 cases	4,256		
	9 Jan. 1953	Used clothing, 65 cases	2,912	7,168	
		TOTAL		908,695	

SUMMARY

As at 15 September 1952

Summary		$
Total part A—Member and Non-Member States		270,910,520
Total part B—Non-governmental organizations		15,033,659
Total part C—Specialized agencies		1,788,683
Total part D—League of Red Cross Societies		901,527
	TOTAL	288,634,389

As at 15 February 1953

Total part A. Member and non-member States		339,139,759
Total part B. Non-governmental organizations		16,576,362
Total part C. Specialized agencies (unchanged from original report)		1,788,683
Total part D. League of Red Cross Societies		908,695
	TOTAL	358,413,499

B. THE INDIA-PAKISTAN QUESTION

In his second report[54] to the Security Council (S/2448), submitted on 18 December 1951, Dr. Frank P. Graham, the United Nations Representative for India and Pakistan, outlined the stage reached in his efforts to secure the concurrence of the Governments of India and Pakistan on a twelve-point agreement which would involve demilitarization of the State of Jammu and Kashmir in a single continuous process. He reported that agreement had been reached on four more of the proposals but had still not been reached on proposals 5, 6, 7 and 10. The two fundamental differences remaining concerned: (1) the minimum number of forces to be left on each side of the cease-fire line at the end of the demilitarization; and (2) the day on which the Government of India would cause the Plebiscite Administrator to be formally appointed to office.

1. Consideration by the Security Council of the Second Report of the United Nations Representative

The Security Council considered the second report of the United Nations Representative at its 570th to 572nd meetings on 17, 30, and 31 January 1952.

Presenting his report to the Council, Dr. Graham stressed his belief that any negotiations that could be undertaken by the United Nations to obtain demilitarization of the State of Jammu and Kashmir under the resolutions of the United Nations Commission for India and Pakistan (UNCIP) of 13 August 1948 and 5 January 1949 would, in the prevailing circumstances, encounter almost insurmountable obstacles unless agreed solutions were found for:

(1) a definite period of demilitarization; (2) the scope of demilitarization and quantum of forces that would remain at the end of the period of demilitarization; and (3) the day for the formal induction into office of the Plebiscite Administrator.

The representative of the USSR declared that all the plans put forward by the United States and the United Kingdom in the Kashmir question, instead of seeking a real settlement, were aimed at prolonging the dispute and at converting Kashmir into a trust territory of the United States and the United Kingdom under the pretext of giving it "assistance through the United Nations". Their intention, he said, was to introduce Anglo-American troops into Kashmir so as to convert it into an Anglo-American colony and a military and strategic base against the USSR and the People's Republic of China.

In support of his thesis, the USSR representative quoted Pakistan and United States newspapers, and statements allegedly made by a Pakistan journalist and by Mr. Ghulam Mohammad Sadiq, President of the Kashmir Constituent Assembly.

From the beginning, the United States and the United Kingdom, in direct violation of the Charter, particularly of Article 1, had done everything possible to prevent the people of Kashmir from being able to decide freely on their own future, he said. The resolution of 30 March 1951 (S/2017/Rev.l)[55], the USSR representative stated, forced upon the people of Kashmir a plebiscite ostensibly under the United Nations, but, in reality, under Anglo-American control; the original text of that resolution had contained an open demand that foreign troops should be introduced into Kashmir. The demand had been dropped in view of the Indian representative's objection, but that had merely been a formal gesture, and the idea had been taken up again by Dr. Graham, whose chief military adviser was an American general. Since the Council resolution defining the powers of the United Nations Representative contained no such authorization, it might be asked what justification Dr. Graham had had for submitting, without the knowledge of the Security Council, a question concerning the introduction of foreign troops into Kashmir in the questionnaires sent out to the Governments of India and Pakistan on 18 December 1951 (S/2448, Annex III). The USSR representative charged that the Governments of the United States and the United Kingdom had exerted direct pressure on the Governments of India and Pakistan, insisting on the adoption of their proposal for the submission of the Kashmir question to the arbitration of a third party, their purpose being to bring the people of Kashmir under their authority.

He stressed the opinion of his Government that the Kashmir question could be satisfactorily settled only by giving the people of Kashmir an

[54] See Y.U.N., 1951, pp. 348-49.

[55] For the text of the resolution, see Y.U.N., 1951, pp. 343-44.

opportunity to decide the question of its constitutional status by themselves, without outside interference. That could be achieved if the status of Kashmir were determined by a constituent assembly, democratically elected by the people of Kashmir.

The representatives of the United Kingdom and the United States considered that the charges made by the Soviet representative of an Anglo-American anti-Soviet plot in Kashmir were fantastic. The representative of the United Kingdom paid tribute to Dr. Graham's record in Indonesia, and expressed the hope that the Council, considering the Kashmir dispute objectively, would succeed in enabling the two parties to agree on a settlement satisfactory to both. The United States representative expressed the hope of his Government that the dispute would be settled in accordance with United Nations principles and the agreements already reached between the parties.

The representative of Pakistan said that there had never been any question of anything being imposed from the outside upon either party to the dispute. The efforts of the Security Council had been directed solely toward securing the implementation of the agreements existing between the parties. The current deadlock, which had lasted almost three years, related to the demilitarization of the State preparatory to the holding of a plebiscite and the induction into office of a Plebiscite Administrator. He reviewed the history of the negotiations and outlined Pakistan's position on the outstanding questions, and said that his Government would accept in principle the truce proposals formulated in Dr. Graham's second report but considered that some of the important terms used in the proposals should be defined and that other necessary details should be filled in. He denied that military bases in Kashmir had been granted to the United States or any other Power, and said that the difference between what the USSR representative had suggested and what the Security Council had sought to achieve with the agreement of the parties was one of method, not of principle. Throughout the controversy, India, Pakistan and the Security Council had agreed that the question of the accession of Jammu and Kashmir should be decided through the democratic method of a free and impartial plebiscite.

The representative of India emphasized his Government's anxiety that an early, equitable and peaceful solution of the dispute be found. The problems of a definite period for the demilitarization and of the date for the formal induction into office of the Plebiscite Administrator could, he said, be settled without difficulty provided that agreement was reached on the scope of demilitarization and the quantum of forces that would remain at the end of the period of demilitarization, and provided that the programme agreed upon for that purpose was satisfactorily implemented.

The majority of representatives, including those of Brazil, Chile, France, Greece, the Netherlands, Turkey, the United Kingdom and the United States, paid tribute to the work of Dr. Graham and considered that he had succeeded in considerably narrowing down the differences between the two parties. They considered that Dr. Graham should return to the sub-continent to attempt to bring about a solution of the outstanding points of difference.

The representative of the United Kingdom expressed disappointment that the differences between the parties appeared to be as wide as ever on basic points but thought it a considerable gain to have the main points on which agreement was required formulated in Dr. Graham's twelve proposals, of which eight had been agreed to by the parties.

The United States, its representative said, considered that the twelve points formed a solid basis on which the parties could reach agreement so as to enable a fair and impartial plebiscite to be held. Progress had been made on some of these points and should not be helted; none of the remaining issues constituted an insurmountable barrier to a peaceful solution.

The Netherlands representative considered that the basic issue was the need of the people of Jammu and Kashmir for self-determination. As long as there was a reasonable chance of further agreement through negotiation, he felt, that method should be given priority over the arbitration called for in the Council's resolution of 30 March 1951 (S/2107/Rev.l). On the other hand, the patience shown by the Security Council should not be misconstrued as lightening in any way the moral and political responsibilities of the parties for the fulfilment of their commitments regarding the creation of fair conditions for a free and impartial plebiscite in Jammu and Kashmir.

At the conclusion of the discussion, the President stated that it was the sense of the Council that the United Nations Representative, acting under the resolutions of 30 March 1951 (S/2017/-Rev.l) and 10 November 1951 (S/2392), was authorized, without any new decision by the Council, to continue his efforts to fulfil his mission and to submit his report, which the Council hoped would be final, within two months. He noted that the representative of the USSR had not concurred in that agreement.

2. Third Report of the United Nations Representative

On 22 April the United Nations Representative transmitted his third report (S/2611) to the Security Council. He stated that in his continued negotiations he had had in mind two purposes: (1) to assist the parties in removing the remaining difficulties in an effort to reach an agreement on the twelve proposals; and (2) without prejudice to this to obtain, if possible, further withdrawals from the State of Jammu and Kashmir on both sides of the cease-fire line.

He outlined the positions of the two parties on the remaining four items in dispute. He stated that India maintained its position concerning the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization (namely, 21,000 regular Indian Army forces and 6,000 State militia on the Indian side and 4,000 men normally resident in Azad Kashmir territory, half of whom should be followers of Azad Kashmir, on the Pakistan side). India considered that if agreement could be reached on the scope of demilitarization and on the quantum of forces to remain at the end of the demilitarization period, the other two remaining differences (the period of demilitarization and the date for the induction into office of the Plebiscite Administrator) could be settled without difficulty.

Pakistan, Dr. Graham reported, had accepted the proposals of the United Nations Representative concerning the period of demilitarization, the quantum of forces to remain on each side of the cease-fire line and the date for induction into office of the Plebiscite Administrator. It insisted that the demilitarization programme should embrace all the armed forces in Jammu and Kashmir without exception.

The United Nations Representative also reported on the progress made in demilitarization. Since the cease fire of 1 January, he said, both India and Pakistan had made substantial withdrawals of their forces from Kashmir, which, including the current withdrawal of one Indian division, amounted to some 50 per cent of their forces from the States. Both parties had also withdrawn their forces along the borders of the State.

Analysing the two UNCIP resolutions of 13 August 1948 and 5 January 1949, he stated that the demilitarization of the State had reached the stage at which further reductions of troops were directly related to the preparation of a plebiscite. He accordingly considered it necessary that the Plebiscite Administrator designate should be associated with him in studies and the consideration of common problems.

Dr. Graham emphasized the importance of finding a settlement for the question and recommended that negotiations be continued with a view to resolving the remaining differences on the twelve proposals, with special reference to the amount of forces to be left on each side of the cease-fire line at the end of the demilitarization period and the general implementation of the United Nations Commission's resolutions of August 1948 and January 1949. He also recommended that the two Governments should:

(1) refrain from taking any action which would augment the current military potential of the forces in the State; (2) continue their determination not to resort to force and to adhere to peaceful procedures and follow faithfully their agreement to instruct their official spokesmen and urge all their citizens not to make statements calculated to incite the people of either nation to war over Kashmir; (3) observe the cease fire effective from 1 January 1949, and the Karachi Agreement of 27 July 1949; and (4) undertake to reduce further by 15 July 1952, the forces under their control in the State of Jammu and Kashmir.

3. Fourth Report of the United Nations Representative

By letter dated 29 May 1952 (S/2649), the United Nations Representative informed the Security Council that negotiations had been renewed. On 31 July he stated (S/2727) that India and Pakistan had agreed to a meeting of representatives of the two Governments at ministerial level under the auspices of the United Nations Representative at the European office of the United Nations in Geneva, beginning 25 August 1952.

On 16 September Dr. Graham submitted his fourth report (S/2783) to the Security Council regarding the negotiations carried out in agreement with the two Governments from 29 May to 16 July 1952 in New York, and regarding the conference held at ministerial level from 26 August to 10 September 1952 in Geneva. He stated that, as a result of meetings and conversations with the parties, he had submitted a new draft of his proposals on 2 September, in which he suggested (paragraph 7 A (III) and B (II) of the proposals) a minimum force of 6,000 on the Pakistan side of the cease-fire line, and of 18,000 on the Indian side. He had made it clear that those figures did not include the Gilgit and Northern Scouts on the Pakistan side nor the State militia on the Indian side. In addition to suggesting definite minimum figures, he had attempted in a provisional clause to accommodate

the concern expressed during the conversations that the agreement should not come into effect until the demilitarization programme had been approved by the two Governments.[56]

On 3 September it had appeared that no agreement could be secured on the basis either of the figures proposed or of the brackets of 3,000 to 6,000 on the Pakistan side and of 12,000 to 18,000 on the Indian side which had been proposed to the parties on 16 July 1952. As it had not been possible in the circumstances to secure agreement on the minimum forces to be left on each side of the cease-fire line, the United Nations Representative had thought it might be possible for the two Governments to agree on some principles based on the requirements of each side, which principles could then serve as the criteria for fixing the quantum of forces. He had accordingly submitted a further draft on 4 September 1952 according to which, at the end of the demilitarization period, there would be on each side of the cease-fire line the minimum number of forces required for the maintenance of law and order and of the cease-fire agreement, with due regard (in the case of the Indian side) to the security of the State and (in the case of both sides) to the freedom of the plebiscite.

Concerning that draft, he reported, the position of India was that the principles enumerated were conceived in the right spirit, having regard to the two UNCIP resolutions. As a basis for the evolution of a suitable definition of the functions of forces on both sides of the cease-fire line, they contained the germs of a settlement. India could not, however, accept any equation of its responsibilities with the local authorities on the Pakistan side of the cease-fire line or agree to anything more than a local character to the maintenance of public order in that area by those authorities. It considered that the defence of the entire State was the concern of the Government of India, which alone was entitled to maintain a military armed force for that purpose.

Pakistan had been prepared to accept the draft proposals of 4 September, subject to the observation that the references to "due regard to the freedom of the plebiscite" and the "security of the State" should be deleted to avoid recurrence in the Military Sub-Committee of the political controversies that had held up progress in the main conference.

In conclusion, Dr. Graham stated that, in his view, in order to reach an agreement on a plan of demilitarization, it was necessary either:

(1) to establish the character and number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization; or (2) to declare that the forces to remain on each side of the cease-fire line at the end of that period should be determined in accordance with the requirements of each area and, accordingly, principles or criteria should be established which would serve as guidance for the civil and military representatives of the Governments of India and Pakistan in the meeting contemplated in the provisional clause of the revised proposals.

4. Consideration by the Security Council of the Third and Fourth Reports

The third and fourth reports of the United Nations Representative were considered by the Security Council at its 605th to 611th meetings on 10 October, 5 November and 5, 8, 16 and 23 December.

Summarizing the main points of his report, the United Nations Representative dealt with the obstacles that had stood in the way of demilitarization and with his twelve proposals. The narrowing of the differences to the number and character of forces to remain on each side of the cease-fire line emphasized, he said, the depth of the difference on that point. Recalling the alternative approaches which he had suggested for resolving that difference, he stressed the great importance of solving the Kashmir problem peacefully, not only for the peoples of the State and of the sub-continent, but for the whole world.

On 5 November the representatives of the United Kingdom and the United States submitted a joint draft resolution (S/2839 and Corr. 1) which, inter alia, would have the Council urge the Governments of India and Pakistan to enter into immediate negotiations at United Nations Headquarters, in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, "this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line, and between 12,000 and 18,000 armed forces remaining on the India side of the cease-fire line", as suggested by the United Nations Representative. Such specific numbers were to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposals of 4 September 1952 (S/2783/Annex 8). The

[56] This clause provided that the agreement would enter into effect when the two Governments had approved a programme of demilitarization in conformity with the relevant paragraphs of the proposals. The draft of this programme was to be drawn up in meetings between the representatives of India and Pakistan assisted by their Military Advisers under the auspices of the United Nations, the first meeting to be held two weeks after signature of the agreement.

draft resolution provided that the United Nations Representative would be requested to continue to make his services available to the Governments of India and Pakistan, and those Governments would be requested to report to the Council not later than 30 days from the date of adoption of the resolution. Dr. Graham would also be requested to keep the Council informed of any progress.

Speaking in support of their draft resolution, the representatives of the United Kingdom and the United States emphasized the basic agreement of the parties on the objective of a free and impartial plebiscite as laid down in the two resolutions of the United Nations Commission for India and Pakistan (UNCIP) of 13 August 1948 and 5 January 1949. Examining the extent to which the United Nations Representative had been able to secure acceptance by the two Governments of the points contained in his twelve proposals, they maintained that the main difference to be resolved now was the one on the number and character of the forces to remain on each side of the cease-fire line. They recalled that the parties had agreed that the demilitarization should be carried out in such a way as to involve no threat to the cease-fire agreement.

This, they said, must have been the criterion that the United Nations Representative had in mind when he suggested the range of figures within which the parties were being urged, in the joint draft resolution, to negotiate. The representatives of the United Kingdom and the United States believed that the Kashmir militia and the Gilgit scouts occupied a special position and need not be included in the total of forces to be determined.

Regarding the character of the forces to remain on each side of the cease-fire line, the representative of the United Kingdom expressed the view that, in order to ensure that demilitarization would at no stage become a threat to the cease-fire agreement, the forces on both sides should be, broadly speaking, of the same kind. Moreover, he stated, the proposal to limit the forces on the Pakistan side of the cease-fire line to an armed civil police force while leaving a military force on the other side would not be consistent with a really free plebiscite.

Recalling the proposal put forward by the United Kingdom and the United States on 21 February 1951 (S/2017) that a neutral force might be used to facilitate demilitarization of the State, the representative of the United Kingdom suggested that, should the fear that demilitarization might lead to a renewal of the conflict in Kashmir still exist, whichever of the parties felt that fear might be urged to reconsider the proposal to make available such a force. That device would of course not be necessary if demilitarization on the lines suggested by Dr. Graham and by the joint draft resolution could be brought about.

On the question of the Azad Kashmir forces, the representative of the United States referred to the suggestion made by the United Nations Representative that there should be a large-scale disbanding and disarmament of those forces so that there would remain at the end of the period of demilitarization only the minimum number of such forces as was required for the maintenance of law and order and of the cease-fire agreement, with due regard to the freedom of the plebiscite. He said that the sponsors of the draft resolution had accepted what they considered to be the view of the United Nations Representative that the forces which remained on the Pakistan side of the cease-fire line should be those Azad Kashmir forces which remained after the large-scale disbandment, and that these forces should be detached from the administrative and operational control of the Pakistan High Command and be placed under neutral and local officers under United Nations surveillance. The sponsors, he said, had also accepted the view, that, on the Indian side of the cease-fire line, the forces should be Indian armed forces and State armed forces. This position, he held, was entirely consistent with the resolution of the United Nations Commission of 13 August 1948.

The sponsors of the draft resolution considered that it offered the parties an opportunity to arrive, by their own negotiations, at a settlement of the final issue standing in the way of the demilitarization of the State and the planning for a plebiscite, including the induction into office of the Plebiscite Administrator.

The representative of India reviewed the circumstances in which the Kashmir dispute had been brought to the attention of the Security Council, stating that Pakistan had twice been guilty of aggression in Kashmir, once when it assisted and participated in the initial invasion and secondly on 8 May 1948 when it admittedly sent its regular troops there. Its illegal occupation of the State's territory continued. It had, moreover, created subversive forces and authorities there. Until the Council was prepared to face that central issue, no just and lasting solution could be found, the Indian representative stated.

In support of the thesis that Kashmir's accession to India was legal and had been recognized as such by the United Nations Commission for

India and Pakistan, she said that under the resolutions of that Commission, while India was required to withdraw only the bulk of its forces, Pakistan was to withdraw all its forces. Those resolutions, further, recognized the sovereignty of the Jammu and Kashmir Government over the entire State, including the areas invaded and occupied by the Pakistan forces. They also recognized India's constitutional responsibility for protecting the State against external aggression. Similar recognition had been contained in Dr. Graham's proposals of 16 July 1952, under which the forces to remain on the Pakistan side of the cease-fire line would be separated from the administrative and operational control of the Pakistan High Command, and would be officered by neutral and local officers under the surveillance of the United Nations, whereas on the Indian side there would be an Indian armed force. Dr. Graham's seventh proposal of 4 September 1952, which laid down that, in considering the final number of forces on the Indian side, due regard would be paid to the security of the State, also recognized India's moral and constitutional responsibility for the protection and security of the State. The Government of India, its representative said, was not prepared to abdicate that responsibility, or to share it with others, least of all with the aggressor.

She said that, considering the requirements of maintaining law and order as well as the overall security of the State, the Government of India had come to the conclusion that a minimum force of 28,000 would be required on the Indian side of the cease-fire line. However, when the Azad Kashmir forces were completely disbanded, the Government of India would be prepared to effect a further reduction of 7,000. The force of 21,000 which was the absolute minimum would include the former State forces and would have no supporting arms such as armour or artillery.

Referring to the United Kingdom representative's contention that the presence of troops on the Indian side with only a civil armed force on the Pakistan side would be inconsistent with a really free plebiscite, she said that this argument ignored not only the UNCIP resolutions but also the proximity of the Pakistan frontier and Pakistan forces which would be within striking distance of the cease-fire line and vital areas of the State. The administration of the Pakistan side of the cease-fire line by local authorities under United Nations surveillance had been accepted by India, but those local authorities had no international status and could not be entrusted with regular troops. They could, at best, be entrusted with a civil armed force of 4,000 which, she considered, would be adequate. India, however, would be willing to permit some increase in those forces which would be operating under United Nations surveillance, provided a case was made out for such an increase.

Anything aimed at establishing a parity between India on the one hand and Pakistan on the other, either in quantum or character of forces, was, she stated, a departure from the two UNCIP resolutions and was unacceptable to India. In this connexion, she said that the joint draft resolution inadvertently or unjustifiably combined the essentially independent and alternative approaches envisaged by the United Nations Representative. The draft resolution proposed a single procedure, restricted in advance and leading to a predetermined result.

Moreover, the proposals of Dr. Graham of 16 July had also stipulated a radically different character for the forces on each side, a fact which the draft resolution overlooked. Under Dr. Graham's proposals, the forces on the Indian side were to remain under the complete control of the Government of India, whereas those on the other side were to be separated from the administrative and operational control of the Pakistan High Command and were to be officered by neutral and local officers—a difference which Pakistan had rejected.

The Government of India had therefore, she said, been forced to refer again to the essential difference in the status of the parties which had been totally disregarded in the draft resolution.

As for the reference to a so-called "neutral force", originally proposed by Pakistan, India had long since rejected the idea of the imposition of a foreign force on its territory as being derogatory to the dignity and territorial integrity of an independent nation.

Further, the reference to the principle that demilitarization should be carried out in such a way as to involve no threat to the cease-fire agreement was misleading, since the relevant paragraph of Dr. Graham's proposals, paragraph 8, had no bearing on the principles for determining the character and quantum of the forces; the figures suggested in the 16 July proposals were entirely arbitrary and unrelated to the normal considerations determining the minimum need for security. India was responsible for the security and protection of the State, and therefore any alternative for the figure it considered the absolute minimum must be justified on realistic considerations of security.

The view that the limits suggested by Dr. Graham represented his considered judgment was also misleading in view of the United Nations

Representative's definition, accepted by both parties, of his functions as those of a mediator whose duty was to find an approach acceptable to both Governments.

The Security Council had failed to address itself to the central and basic issue of aggression against India, Her Government, therefore must reject the joint draft resolution which, she maintained, went beyond the two resolutions of the United Nations Commission for India and Pakistan or ignored the vital elements of principle contained in these resolutions.

In reply, the representative of Pakistan maintained that the allegation of Pakistan's aggression against India was based on the false assumption that Kashmir was part of Indian territory and that the accession of that State to India was complete and valid. This, however, was belied by the position which the Council had repeatedly taken that the accession was to be decided by a free plebiscite—a position that both parties had accepted. The so-called accession had been made after the people of Kashmir had successfully revolted against the tyranny of the Maharaja and had put him to flight. The occupation of Kashmir by Indian troops had thus been an act of aggression against the people of Kashmir, he stated. As to the so-called second invasion of Kashmir by regular Pakistan troops, he said that Pakistan troops had been sent as a result of a general offensive by the Indian army. In the face of that offensive, the Commander-in-Chief of the Pakistan army had recommended that the Indian army should not be allowed to advance beyond a certain line for various reasons vital to Pakistan, including the disruption which would have been caused by a renewed influx of refugees. That action could not be termed aggression because the territory involved had never been under the control or military occupation of India, even as a result of the supposed accession. In any case, the question was academic in view of the acceptance by the two Governments of the two resolutions of the United Nations Commission.

The crux of the matter, as the representative of India had said, was the implementation of that agreement, he said, and pointed out that paragraph 1 of the UNCIP's resolution of 5 January 1949 had provided that the question of the accession would be decided "through the democratic method of a free and impartial plebiscite".

Those resolutions had not required the large-scale disbanding and disarming of the Azad Kashmir forces, he said. Yet India made this a condition precedent to any withdrawal of her forces. The two sides had agreed, under paragraph 8 of Dr. Graham's proposals, that the demilitarization would be carried out in such a way as to involve no threat to the cease-fire agreement. Yet, according to India, there should be substantial military forces on its side of the cease-fire line and none at all on the other side. Would there not be a serious threat to the cease-fire line in that event, the representative of Pakistan asked. It was clear that a certain number of forces must remain on the Azad Kashmir side to maintain law and order and to maintain the cease-fire line.

The representative of Pakistan stated that Pakistan had repeatedly accepted proposed solutions which had been rejected by India. Despite the public support by India for submission of disputes to international arbitration, it had refused several proposals for such arbitration on the meaning of the obligation undertaken under the two UNCIP resolutions. It had rejected the Commonwealth Prime Ministers' proposal to make available Commonwealth troops to facilitate a plebiscite. India had rejected in all some fourteen different proposals for solution of the question which had been accepted by Pakistan.

If the course of the dispute proved anything, he said, it was that Pakistan was anxious to proceed to the holding of a plebiscite and that India was not. It was academic, therefore, to suggest that upon withdrawal of the bulk of India's forces from Kashmir, Pakistan would march in, destroying any possibility of a plebiscite's being held and inviting India to attack it from the rear and occupy it.

Dealing with the joint draft resolution, he submitted that, having regard to the agreements that existed and the needs on both sides, the numbers suggested were not fair to the Pakistan side of the cease-fire line. Would not the proposal set up an imbalance that would cause apprehension on one side that the cease-fire line might not be adhered to? Despite those considerations, Pakistan was prepared to go forward even on the basis of that resolution. Nevertheless, there were two matters in which the proposal did not appear to aim at achieving progress: (1) the parties were to seek out each other and go into conference; and (2) the parties were to report the results to the Council. The Council owed it to the United Nations Representative, to the parties to the dispute and to the people of Kashmir that the United Nations Representative should retain the initiative in the matter, that the conversations should take place under his auspices and that he should report to the Security Council.

In conclusion, the representative of Pakistan, noting that the representative of India had in-

dicated India's view that a minimum force of 28,000 was required to carry out its responsibilities, proposed that the resolution of 13 August 1948 be implemented immediately on the basis that India would retain that number of forces on its side of the cease-fire line, including State armed forces, and without armour or artillery. On the Pakistan side, Pakistan would carry out the full obligations undertaken by it under that resolution. The Plebiscite Administrator would then take over and carry out the functions entrusted to him by the resolution of 5 January 1949.

In reply, the representative of India reiterated the view that Kashmir's accession to India was complete when the instrument of accession was signed. The Indian Governor-General's declaration that the question would be settled by a reference to the people was, she said, a wish unilaterally expressed by him which did not alter the fact or the validity of the accession. The reference was to have been made when the land was cleared of the invader. But the invader had remained and the reference to the people had been delayed.

It had been argued that the invasion of the State could not be regarded as aggression since it preceded accession, but, since Pakistan had then had a stand-still agreement with Kashmir, it had been aggression against that State and, after the accession, against India as well.

As to the second invasion by Pakistan, she maintained that Pakistan had exceeded the right of self-defence because there was no attack on its territory. In this connexion she referred to Article 51 of the Charter which stipulated that there must be an attack on the Member which takes defensive measures and that the measures it takes should be reported to the Security Council. None of the two requirements had been fulfilled at the time when Pakistan sent its troops into Kashmir.

She said that the Pakistan representative's attempt to claim merit for acceptance of various proposals and at the same time to discredit India for inability to concur was misleading. Pakistan had accepted and India rejected the Council's resolution of 21 April 1948. But that had been followed by Pakistan's invasion of the State, on the one hand, and by India's co-operation and negotiation with UNCIP, on the other, despite the grave provocation offered by Pakistan's acts. Again, Pakistan had accepted Dr. Graham's proposals of 16 July 1952. But Pakistan's acceptance was subject to the condition that the character of the forces should be the same on both sides of the cease-fire line, a condition that had nullified that acceptance. In the same way, Pakistan had nullified its acceptance of Dr. Graham's proposals of 4 September 1952 by refusing to accept India's responsibility for the security of the State. India had considered that those proposals contained the germ of a settlement.

Dealing with Pakistan's offer agreeing to the retention of 28,000 Indian troops, the representative of India said that the Azad Kashmir forces were indistinguishable from regular Pakistan troops. Since the resolution of the Commission of August 1948 envisaged the withdrawal of all Pakistan forces, it must apply to all armed formations including Azad troops, Gilgit scouts and others. Moreover, the Plebiscite Administrator was only responsible for the disposition, i.e. the location of the Indian forces, not for any reduction in their number; they could not be reduced below the minimum necessary for maintaining law and order.

In a further reply, the representative of Pakistan recalled that he had already pointed out, on the issue of accession, that India's position had been that, on independence, the sovereignty of the States rested in the people, and he had stressed the fact that, long before the alleged accession, there had been a difference between the Maharajah and his people which had reached the point of revolt. Even if the Azad forces were now under the control of the Pakistan army such control would cease when the Pakistan army withdrew. The question of the disbandment and disarming of the Azad forces, however, would rise when the Plebiscite Administrator took over. It could not be argued that the people of the State, who had taken up arms in August 1947, were invaders who had to withdraw. What was delaying progress in organizing and holding the plebiscite was the refusal of India to withdraw its forces in accordance with the two UNCIP resolutions that it had accepted. Nowhere in those resolutions was the security of the State made the sole responsibility of India. The reference to "due regard to the security of the State" dealt with the functions of the United Nations Representative, succeeding the Commission, and the Plebiscite Administrator, who, after the withdrawal of the bulk of the Indian forces and after the Representative was satisfied that peaceful conditions had been restored, were to determine, in consultation with the Government of India, the final disposal—not disposition—of Indian and State armed forces. His Government, he said, agreed that there should be no departure from the two resolutions of the Commission. But India asked for a great deal more which was not provided for by those resolutions or which was not provided for during the stages at which India required it.

In reply to the representative of India, the representative of the United Kingdom stated that he did not see any inconsistency between the joint draft resolution and the two agreed UNCIP resolutions. Analysing the provisions of the joint draft resolution from that point of view, he noted that it had been accepted by both parties that the provisions of the two UNCIP resolutions should be combined so as to produce one continuous demilitarization process. The only extra element which had been introduced into Dr. Graham's proposals of 4 September, and consequently into the joint draft resolution, was that the number of forces should be determined with due regard to the maintenance of the cease-fire agreement. But that did no more than reflect the agreement already reached in paragraph 8 of Dr. Graham's proposal that demilitarization would be carried out in such a way as to involve no threat to the cease-fire agreement.

The two alternative approaches mentioned by Dr. Graham had been combined in the joint draft resolution only after the most careful thought. The United Kingdom Government thought it wise to avoid the possibility that one of the parties might choose to negotiate in accordance with one of the alternatives and the other party in accordance with the other. As for the question whether the United Nations Representative was competent to assess the strength of military forces to be left behind in the State at the end of the demilitarization process, the resolution of 5 January 1949 made it clear that the Representative, as the successor of the Commission, together with the Plebiscite Administrator, would be responsible for determining the final disposal of the armed forces, in consultation with the Government of India, such disposal to be "with due regard to the security of the State and the freedom of the plebiscite". The freedom of the plebiscite and the security of the State were both matters to which considerable weight must be attached and in regard to which some kind of balance might have to be struck.

The representative of the United States concurred with the view expressed by the United Kingdom representative.

Reiterating the views expressed by him in January (see above), the representative of the USSR said that Dr. Graham's reports, like the documents submitted earlier, showed the futility of attempts to seek agreement on the demilitarization of Jammu and Kashmir and on the holding of a plebiscite there under United Nations auspices. The United States and the United Kingdom, he said, had for five years done all in their power to protract a settlement of the question. These two countries were intervening in the internal affairs of Kashmir with a view to transforming that territory into a strategic base against the Soviet Union. He quoted a statement in which Admiral Radford, the Commander-in-Chief of the United States Fleet in the Pacific, had stressed the strategic importance of Pakistan. He said that, despite India's refusal to allow a United Nations force, Dr. Graham had returned to that proposal in his last report when the proposal took the form of operational and administrative control of Azad Kashmir troops by the United Nations through local or neutral officers. Like all earlier resolutions on the question, the joint draft resolution, he said, excluded any possibility of a decision by the people of Kashmir themselves without outside pressure or interference. The correct way to solve the question would be to have the status of Kashmir determined by a constituent assembly elected by the people of the State on a democratic basis, in accordance with their right to self-determination.

In reply to the charge that the United States and the United Kingdom were trying to establish an aggressive base in Kashmir, the United Kingdom representative stated it was obvious that such a proposal would be completely opposed to the known policies of both India and Pakistan. It would always be open, he said, to the USSR to oppose a recommendation by the Council for a neutral force in Kashmir, should such a recommendation be made. But he did not see what the USSR could do should the parties agree to some such proposal.

The representative of the Netherlands considered that the presence of a considerable number of forces in the State would, admittedly, not create or facilitate conditions for a fair and impartial plebiscite. There must therefore be the greatest possible demilitarization and a reasonable proportion between the military forces on either side of the cease-fire line. He supported the joint draft resolution because it seemed likely to promote an agreement on that basis and was a fair proposal. The representative of Brazil also supported the joint draft. He found it hard to believe that two nations with so many ties and so much in common would be unable peacefully to settle their differences. A new effort should be made to that end. The representative of China observed that no member of the Council, apart from the parties, had ever discussed the charges of aggression. Instead, the Council had accepted the basic agreement of the parties that the question of the accession of the State should be decided by a fair and impartial plebiscite under the auspices of the United Nations. He hoped that the joint proposal

might serve as a basis for the renewal of successful negotiations.

The representatives of the United Kingdom and the United States accepted a Netherlands amendment (S/2881) to the joint draft resolution providing that the negotiations would be under the auspices of the United Nations Representative and deleting the reference to their being held at the Headquarters of the United Nations.

The representative of India pointed out that his Government had already stated that it was unable to accept the joint draft resolution. It was not prepared to be a party to any talks on the basis suggested in paragraph 7 of that proposal. With those explicit reservations, however, the Government of India, in line with its readiness to explore all avenues toward a peaceful settlement, would be prepared to join and continue in any talks in connexion wich the dispute. If the Council still considered it useful or necessary to proceed with the draft resolution, his Government could only profoundly regret the decision.

As amended, the joint draft resolution (S/2883) was adopted by 9 votes to none, with 1 abstention (USSR). Pakistan did not participate in the voting.

The resolution read:

"The Security Council

"Recalling its resolutions of 30 March 1951, 30 April 1951, and 10 November 1951;

"further recalling the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

"Having received the Third Report dated 22 April 1952 and the Fourth Report dated 16 September 1952 of the United Nations Representative for India and Pakistan;

"Endorses the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

"Notes with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve point proposals;

"Notes that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve point proposals;

"Urges the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952 (Annex III of S/2783) such specific numbers to be arrived at bearing in mind the principles of criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (Annex VIII of S/2783);

"Records its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;

"Requests the Governments of India and Pakistan to report to the Secretary Council not later than thirty days from the date of the adoption of this resolution; and further requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress."

C. THE PALESTINE QUESTION

1. Complaints of Jordan and Israel to the Security Council

In a cablegram to the Secretary-General dated 22 January 1952 (S/2486) the Prime Minister and Minister for Foreign Affairs of Jordan complained of increasing Jewish acts of aggression against life and property inside Jordan territory in violation of the Jordan-Israel Armistice Agreement. Since these provocations might result in retaliation, the Prime Minister requested the Secretary-General to bring the contents of the cablegram to the attention of the Security Council to enable it to take measures necessary to stop further aggression.

In reply, in a letter dated 29 January 1952 (S/2502) addressed to the President of the Security Council, the representative of Israel stated that the Israel-Jordan Mixed Armistice Commission had, on 24 January 1952, determined that Jordan had been responsible for 59 violations of the Armistice Agreement and Israel for one such violation. These results revealed the distorted and inaccurate character of the Jordanian communication, the letter said.

In the same communication, the representative of Israel complained against a threatening statement made by Ahmed Shukairy, the Syrian representative, before the Ad Hoc Political Committee on 22 January 1952. This statement, it was charged,

constituted a violation of Article 2, paragraph 4, of the Charter, as well as of articles III, paragraph 3, and IV, paragraph 3, of the Israel-Syrian General Armistice Agreement. The representative of, Israel stated that his Government would resist any unauthorized passage across the Armistice lines and would reserve its right, under Article 35 of the Charter, to request meetings of the Security Council to consider and pass judgment on statements containing a threat of force against Israel.

In another letter (S/2762), dated 2 September 1952, the representative of Israel drew the Council's attention to pronouncements made by Colonel Shishakly, Chief of Staff of the Syrian Army and Deputy Prime Minister, on 15 and 16 August 1952, which, it was alleged, contained threats against the territorial integrity and independence of Israel in violation of the Charter and of the General Armistice Agreement of 20 July 1949 between Syria and Israel, wherein the signatories had undertaken to abstain, not only from the use of force, but also from the threat of force against each other.

2. Report of the Chief of Staff of the Truce Supervision Organization on the Work of the Mixed Armistice Commissions

On 30 October 1952 the Chief of Staff of the Truce Supervision Organization submitted a report, (S/2833 and Add.l) covering the period from 1 November 1951 to 30 October 1952, on the work of the Mixed Armistice Commissions.

The report stated that the Egyptian-Israel Mixed Armistice Commission had received a total of 429 complaints alleging violations of the Egyptian-Israel General Armistice Agreement; 246 by Israel and 183 by Egypt. Nearly all the complaints alleged violations of the Agreement committed in the proximity of the Armistice demarcation line delimiting the Egyptian-controlled territory known as the "Gaza strip".

At an emergency meeting of the Commission held on 4 May 1952, the question of ways of improving the general situation along the Armistice demarcation line was discussed and an understanding was concluded on the principle of reinstating mixed patrols along this line.

At the 49th formal meeting, which was held in two sessions on 26 August and 9 September 1952, it was agreed unanimously that all complaints on the agenda, which had totalled 324, were "to be considered as acted upon by the Mixed Armistice Commission and to be filed". An informal agreement was also concluded to the effect that no further complaints would be brought before the Mixed Armistice Commission by either party and that direct and frequent contacts between representatives of both sides would be established.

The Jordan-Israel Mixed Armistice Commission had, during the period, received 506 complaints alleging military activity along the demarcation line, including crossing of the line by patrols, flying over the line and various violations involving civilians crossing the line. The numerous instances of civilian infiltration for smuggling, thefts or other purposes had presented a serious problem in the relations between the parties. Clashes between Israel frontier guards or patrols and armed Arab groups had occurred frequently, and were in some cases followed by retaliatory raids by Israelis into Jordan-controlled territory.

On 30 January 1952 an agreement on measures to curb infiltration and unauthorized crossing of the demarcation line by civilians was concluded by representatives of the two parties. Detailed procedures were worked out to implement this agreement, the most effective of which, it was stated, were the weekly or semi-weekly conferences of local commanders representing both military and police agencies which were usually attended by United Nations observers. These procedures, the report said, had been responsible for a significant drop in both the number and seriousness of cases of infiltration, border crossings and smuggling.

Another cause of frequent incidents along the demarcation line was reported to be the cultivation of land by residents of one party in the territory controlled by the other in no-man's land. Arrangements were made for joint surveying teams, accompanied by United Nations observers, to determine the exact location of the demarcation line in certain difficult areas. Nevertheless, several incidents had occurred in which a number of Israelis and Jordanians were either severely wounded or lost their lives. These events led the Mixed Armistice Commission to take various decisions condemning Jordan and Israel. Finally, the parties agreed to mark the demarcation line in important sectors by a plough furrow in an effort to prevent further misunderstandings in that area. The Commission also decided to call upon the Israel authorities to take measures to prevent unauthorized crossing of the demarcation line by civilians.

During the latter part of the period, the report stated, two major incidents interfered with the normal functioning of the Mixed Armistice Commission. The first was on 20 June 1952 when armed Israel military police entered and remained in the offices of the Commission in order to pre-

vent the United Nations observers from carrying out the inspection of a barrel which had been taken from the fortnightly supply convoy to the Israel personnel on Mount Scopus. The Jordan delegation refused to use the headquarters of the Commission so long as Israel military police remained there. For nearly three months the few meetings held by the Commission took place in the open air and only on 17 September was agreement reached on the use of a new headquarters building. Later, the functioning of the Commission was interrupted when the Israel delegation refused to attend its meetings as long as the Jordan authorities refused to return two Israel soldiers captured on 9 June 1952 by a Jordanian patrol within Jordan-controlled territory. An agreement was, however, reached on this question on 17 September.

The last part of the report concerned the demilitarized area of Mount Scopus. It reiterated that the special committee, provided for by article VIII of the Israel-Jordan General Armistice Agreement had not yet met on account of Jordan's refusal, and that the Chief of Staff of the Truce Supervision Organization continued to administer on behalf of the United Nations the Agreement of 7 July 1948 for the demilitarization of the area.

The Israel-Lebanese Mixed Armistice Commission, the report stated, had held 25 formal meetings from 1 November 1951 to 15 October 1952. It had also held two meetings on Chief-of-Staff level and a number of unofficial or special meetings. In addition, there were frequent meetings of the Sub-Committee for Border Incidents and of the Sub-Committee for Staking of the Border. The Commission's main activities concerned the question of marking the Armistice demarcation line, the seizure of property by both parties, the reunion of separated families and the alleged flying over the demarcation line.

During the period the Israel-Syrian Mixed Armistice Commission had held four emergency meetings to discuss serious incidents which had occurred. No other formal meetings of the Commission were held and, as of 15 September 1952, 112 complaints were pending before it. The failure of the Commission to meet regularly in formal sessions was due to the conflicting attitudes regarding the status of the demilitarized zone and the interpretation of the provisions of article V of the Israel-Syrian General Armistice Agreement.

The report also gave an account of the Chief of Staff's efforts to implement the Security Council's resolution (S/2126) of 18 May 1951.[57] It described the circumstances in which some of the Arab inhabitants had returned to their former homes, in accordance with that resolution, and explained why others had not. Israel, it was reported, had agreed to pay compensation for the demolished Arab homes in one village, but had not, so far as was known, indicated willingness to pay compensation in other cases.

With the exception of three villages, almost the entire demilitarized zone was controlled by Israel police acting under orders from police headquarters outside the zone. The Chairman of the Commission had maintained that the provisions of article V of the Armistice Agreement and the explanatory note of Dr. Bunche, quoted in the Security Council's resolution of 18 May 1951, called for police of a local character within the demilitarized zone. Israel, however, had not agreed to remove its non-local police from the zone and no arrangement had been reached.

Referring to the activities of the Palestine Land Development Company, the report stated that its work would result in a considerable loss of water to the irrigation in Syrian territory. The report stated that no solution agreeable to both parties had been reached on this matter.

3. The United Nations Conciliation Commission for Palestine

a. PROGRESS REPORTS OF THE COMMISSION

Pursuant to General Assembly resolution 512 (VI)[58] of 26 January 1952 which called for periodic progress reports, the United Nations Conciliation Commission for Palestine submitted its eleventh and twelfth progress reports (A/2121 and A/2216), with a supplement (A/2216/Add. 1). These reports covered the period from 19 November 1951 to 24 November 1952.

In its eleventh progress report (A/2121), dated 2 May 1952 and covering the period from 19 November 1951 to 30 April 1952, the Commission stated that in April 1952 it had decided to continue to meet at Headquarters in New York, where contact with the parties was possible through the permanent delegations. It had also decided that the most promising way of assisting the parties would be by further efforts to solve the questions of (1) compensation for the Palestine refugees and (2) the release of bank accounts blocked in Israel. As regards the first problem, the Commission considered the reaffirmation by the delegation of Israel of its intention to compensate those Arabs who abandoned their property in

[57] See Y.U.N. 1951, pp. 290-91.
[58] See Y.U.N., 1951, p. 309.

Israel and instructed the land specialist of its Refugee Office to conduct negotiations with the Israel authorities and to make periodic reports on the progress of his activities. With regard to the second problem, it decided to resume discussions with the delegation of Israel in order to ascertain the position of its Government on the question and to consider what further steps should be taken towards the release of the blocked accounts.

In its twelfth progress report (A/2216), dated 8 October 1952 and covering the period from 1 May 1952 to 7 October 1952, the Commission stated that, following negotiations conducted through the United States member of the Commission, the representative of Israel had expressed his Government's willingness to discuss measures for the gradual release of those accounts. Subsequently, the Commission was informed that the Israel Government was willing to release the amount of one million Israel pounds, to be transferred at the rate of one Israel pound to one pound sterling. The Israel delegation agreed with the Commission's suggestion that precedence should be given to the holders of small private accounts who were in particular distress. The Commission expressed the hope that the transfer of securities and other valuables belonging to refugees and held in banks in Israel would be carried out without delay. The Israel Government expressed its readiness to release and transfer the contents to the owners in accordance with the provisions of the laws of Israel. The Commission stated that the United Kingdom Government had acceded to its request to use its good offices to initiate discussions between representatives of Israel and Barclay's Bank.

The Commission decided, following its land specialist's discussions with the Israel authorities and the interested Arab circles, that the work of assessing potential claims for compensation should be started without delay. In its opinion, the first step in identifying and evaluating individual Arab property holdings should be the examination of the Land Registers of the former mandatory administration pertaining to territory within the State of Israel, as well as the study of the Rural Tax Distribution Lists and the Urban Field Valuation Sheets prepared by the mandatory administration and now in the hands of the Government of Israel. Microfilm copies of the majority of the Land Registers required were secured from the United Kingdom Government and the Government of Israel had agreed in principle to make available the necessary documentation in its possession. The land specialist was instructed to set up in New York the necessary machinery for extracting from these documents the information desired.

The Commission reported that it had informed the parties concerned of its decision to meet at United Nations Headquarters, and had added that it was prepared to meet at its Jerusalem headquarters and elsewhere if and when there was a recognized need for such meetings. It had received a reply only from Yemen and an acknowledgment from Jordan but no replies from the five other Arab States or from Israel. The Commission therefore concluded that there had been no change in the parties' attitude towards its efforts and that it would be fruitless for it to attempt to undertake again any of its procedures. However, in view of its successful intervention in the matter of blocked accounts, the Commission believed that further progress could be made by concentrating in a constructive way on individual issues and thus reducing the area of disagreement. It expressed the hope that such an approach would also help in securing compensation. In a supplement to its twelfth progress report (A/2216/Add.l), dated 24 November 1952 and covering the period from 8 October to 24 November 1952, the Commission said that, as a result of negotiations between representatives of the Government of Israel and of Barclay's Bank, a general agreement had been reached on the outline of the scheme to be submitted to the Government of Israel for its approval. It was expected that the first instalment would effect the rapid liquidation of small accounts, which constituted the great majority within the framework of existing Israel Jaw, without the need for special legislation.

On the question of compensation the Commission stated that its land specialist and two assistants were currently engaged in compiling from the Palestine Land Registers the necessary information regarding ownership, area, description and value of the great number of parcels of land involved. It concluded that the value of each individual holding could be estimated with reasonable accuracy from the information contained in the Land Registers, supplemented by information to be obtained subsequently from the taxation records of the former mandatory administration.

b. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS SEVENTH SESSION

By a letter dated 12 September 1952 (A/2184), the permanent representatives of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen requested the inclusion in the agenda of the seventh session of the General Assembly of the item "The Conciliation Commission for Palestine and its work in the light of the resolutions of the United

Nations". The explanatory memorandum accompanying the letter stated that the United Nations had not fulfilled the responsibility for the Palestine question which it had assumed in 1947 since none of its relevant resolutions had as yet been implemented. It suggested that the objective in considering the item should be to obtain a broad view of the activity of the United Nations Conciliation Commission for Palestine in the light of those resolutions and the appropriate measures and machinery for giving effect to them.

The General Assembly decided to include the question in its agenda and to refer it to the Ad Hoc Political Committee, which considered it at its 25th to 39th meetings from 25 November to 11 December.

At the meeting of 25 November the Committee rejected by 14 votes to 13, with 20 abstentions, a motion of the representative of Iraq to invite Dr. Izzat Tannous, the representative of the Arab refugees of Palestine, to sit with the Committee during the discussion of the item. On 1 December a communication by Dr. Tannous was circulated as a Committee document (A/AC.61/L.24) at the request of the representative of Iraq. At the invitation of the Chairman and with the consent of the Committee, a statement was made by the representative of Jordan on 5 December. The statement expressed the same views as those put forward by the representatives of the other Arab States (see below).

(1) Discussions in the Ad Hoc Political Committee

At the outset of the discussion, the representative of Mexico, invoking an earlier request of the Chairman for moderation and sobriety in the debate, appealed to both the Arab States and Israel to discuss their problems in a conciliatory and moderate spirit. Subsequently, a number of representatives, including the Chairman of the Conciliation Commission, associated themselves with the Mexican appeal.

At the request of the Ad Hoc Political Committee, the Chairman of the Conciliation Commission for Palestine made a statement in which he reviewed the Commission's most recent efforts to reconcile the positions of Israel and the Arab States at the Paris Conference in 1951. He recalled that, after the failure of that Conference, the General Assembly in its resolution 512 (VI)[59] of 26 January 1952 had urged the parties to seek agreement and had requested the Commission to continue its efforts and to remain available to the parties. Since no request for assistance had come from either party, the Commission believed that the atmosphere was unfavourable to extensive negotiations and that ill-considered activities on its part might have done more harm than good. The Chairman explained that the Commission had endeavoured to find a new approach to the problems involved and had directed its attention to the more limited technical issues, such as payment of compensation and the release of bank accounts. In studying a possible basis for payment of compensation to Arab refugees, the Commission had no intention of prejudging any final solution of the problem of returning those refugees to their homes and restoring their property. Concerning the release of bank accounts, he said that Israel's agreement to unfreeze a first instalment of 1 million pounds sterling would assure compensation to over 5,000 of approximately 6,000 holders of bank accounts. He concluded that the results achieved by the Commission might appear negligible when viewed against the background of the issues arising in connexion with Palestine problems, yet they might well facilitate the restoration of normal relations between the parties.

(a) VIEWS OF THE REPRESENTATIVES OF THE ARAB STATES

In their statements the representatives of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen recalled that under Assembly resolution 194(III) of 11 December 1948 the United Nations Conciliation Commission for Palestine had been given both general directives and specific duties. According to the general directives, it was to assist the parties concerned to reach an early settlement of their differences in accordance with the relevant General Assembly resolutions. Its specific tasks had been directed to solutions of three aspects of the problem: (1) Jerusalem was to be placed under effective United Nations supervision; (2) the refugees wishing to return to their homes were to be permitted to do so at the earliest practicable date and compensation was to be paid for the property of those choosing not to return; and (3) positive measures were to be taken with regard to the Holy Places. The Commission had been in existence for over four years, but its work, with which the Arab countries had from the beginning co-operated to the fullest extent, had as yet produced very little result. As early as 1949 it had become clear that the solution of the problem depended on the settlement of the refugee question, and only if that question were settled on a just and lasting basis could peace and stability return to the Middle East. Representatives of the Arab countries had accepted

[59] See Y.U.N., 1951, p. 309.

invitations from the Commission to attend conferences in Beirut, Lausanne, New York, Geneva and Paris. On every occasion, they had emphasized the need for allowing the Arab refugees to return to their homes and for providing compensation to those not wishing to do so. It was most regrettable that the Commission should have been unable to accomplish its task. It had been difficult for it to achieve positive results in view of Israel's refusal to comply with the General Assembly's resolutions, but at least it could have been expected to make a sincere effort and, in case of failure, to state the reasons for that failure clearly and precisely.

The Commission, the representatives of the Arab States charged, had attempted to ignore previous United Nations decisions on the subject and had improperly assumed the right of interpreting its own terms of reference to suit the situation prevailing in Palestine. But the resolution of 11 December 1948 did not contain recommendations but had entrusted the Commission with carrying out the Assembly's decisions. They contended that the Commission had been partial to Israel. Whenever Israel's interests were at stake or there was some possibility of consolidating Israel's position, the Commission had found support for that position in the Assembly's resolutions. On the other hand, it had tended to belittle the Arab interests which had been guaranteed in the very same resolutions. It was attempting, for example, to re-establish communications and economic relations between Israel and its Arab neighbours. But that objective could not be secured as long as a million Arab refugees were denied their rights and the Israel Government continued to pursue an aggressive policy in defiance of United Nations resolutions.

The Arab refugees, the Arab representatives said, were animated by a genuine determination to return to their homes and would accept no alternative solution. Since Jewish immigration had virtually stopped and large numbers of Jews were leaving Israel, there could be no justification for barring Arab refugees from returning to their homes. In order further to relieve existing pressures, other countries of the international community could attract Israel immigrants and thus contribute indirectly to the repatriation of the refugees. That suggestion should not be construed as an incitement to Israel Jews to emigrate; it merely reflected the real situation. Israel had sought in vain to make a case for the impracticability of repatriating the Arab refugees; it had tried to divert attention from its obligations by raising such irrelevant considerations as responsibility for the refugees' plight, the capacity of the Arab States to absorb their kinsmen and the example set by Israel in receiving thousands of Jewish immigrants. The refugee question was purely humanitarian; it involved individual rights on which the question of responsibility had no bearing. The argument that the Arab States had the means to resettle the refugees with whom they had cultural ties was equally absurd, especially since Israel itself had admitted that Lebanon and Egypt, for example, had a greater population density than Israel. Further, the analogy drawn between the Arabs of Palestine who had been forced into exile and degradation and the Jews who had left the Arab States to settle in Israel was fallacious. The security of Israel had likewise been invoked in support of the argument that the repatriation and rehabilitation of the Arab refugees was impracticable. That reason was incompatible with Israel's appeal for peace and could only serve to perpetuate mistrust of Israel's motives. Against the argument that the Arabs of Palestine had a separate economy, a different language and culture and would therefore create a minority problem, it must be borne in mind that they had always lived in Palestine and the late President Weizmann had affirmed that there was room for both Jews and Arabs to live without fear in his country. Thus the contention that it would be impracticable to repatriate the refugees was totally unfounded and intended to becloud the fact that Israel was refusing to recognize the elementary principles of justice and was defying the Assembly's resolution of 11 December 1948.

As for the territorial question, the representatives of the Arab States argued that it had been provided that this question was to be settled by negotiations on the basis of the General Assembly's resolutions, and the Commission had been instructed to provide its services of mediation and conciliation to that end. Both parties to the dispute had signed on 12 May 1949, at Lausanne, a protocol which the Commission had very properly proposed as the basis for its work. This protocol had taken the partition map of 1947 as a basis for discussions between the parties and the Commission. No sooner, however, had Israel signed the protocol than it proceeded to obstruct the work of the Commission. It had insisted on combining all the issues of the problem and delaying the solution of any one of them until a final settlement had been reached on all.

Under the Armistice Agreement Israel controlled 5,000 square miles beyond the area allotted to it under the partition plan. If Israel wished

to be reasonable it would allow the refugees to return to that area, thereby enabling half a million refugees to be repatriated. In view of the express refusal of Israel, it was difficult to see how direct negotiations could succeed when Israel refused to consider the cession of territory that had not been assigned to it by the Assembly resolution.

As regards compensation, the Commission had proposed that the Israel Government should make good its pledge to pay compensation for property belonging to non-repatriated Arab refugees. However, the sum to be paid was to be linked to Israel's financial capacity. The Arab States had made considerable reservations on that aspect of the proposal. The Arab representatives agreed that the right of the refugees to compensation had been guaranteed by the Assembly's 1948 resolution; it was an individual right which could not be restricted. Israel had recognized its obligation to honour that right; failure to do so was tantamount to confiscation of Arab property. The financial difficulties in which the Israel Government found itself as a result of its policy of mass immigration, despite United States financial aid, could not be invoked as a pretext for delaying full compensation or subordinating it to any conditions whatsoever.

With regard to the question of blocked accounts, it was recalled that, since the last General Assembly resolution (512(VI)), the Commission had dealt almost exclusively with the question of the release of blocked accounts of Palestine Arabs from Israel banks. Thus it was inverting the logical order for dealing with the refugee problem. The first and primary right of the refugees to repatriation continued to be disregarded, while the very complex question of compensation, which affected only those who did not wish to return to their homes, seemed to have priority. Compensation should become a primary question only after repatriation had been completed. Moreover, the sum released by the Israel Government represented a very small amount in relation to the total value of the blocked accounts. Israel should free all accounts as speedily as possible; any temporizing on that matter by the Commission would be an admission of its helplessness.

As for the internationalization of Jerusalem and its Holy Places, the Commission had been unable to implement the Assembly's decisions. Not only could it not secure the acceptance of the internationalization principle by Israel, but the latter still occupied part of Jerusalem, in defiance of the Assembly's resolutions, and the Prime Minister of Israel had even declared officially that Jerusalem was and would always remain the capital of Israel.

(b) VIEWS OF THE REPRESENTATIVE OF ISRAEL

The representative of Israel stated that the representatives of the Arab States appeared to be seeking not so much a constructive and just solution of the problem as a scapegoat for the difficulties which prevented a solution. They had been more concerned with the interpretation and binding force to be attributed to documents than with the current situation and the future of the Near East. Nevertheless, his Government thought the time was ripe for the consideration of a peaceful settlement based on neighbourly relations between Israel and its Arab neighbours.

The problem was to transform into stable treaties the armistice agreements Israel had concluded with Egypt, Jordan, Lebanon and Syria. Israel was prepared to negotiate a final settlement for the establishment of peaceful relations with any of those States. It would neither impose nor accept any preconditions for such negotiations, in which each party should be free to make its own proposals and United Nations machinery or other good offices should be used by mutual consent.

As to the question of the peace settlement and related problems, he stated that it was the primary responsibility of the Government of Israel and the Governments of the Arab States to settle their differences by negotiation. Experience had shown that mediating and conciliating agencies could not substantially influence inter-State relations unless the parties entered into free negotiations. The Conciliation Commission itself in its report of 1950 had acknowledged the need for such negotiations.

In connexion with the question as to whether an agreement between Israel and the Arab States must necessarily conform with previous Assembly resolutions, he said that he wished to remove the impression that the Arab Governments had always accepted United Nations resolutions. Since the Mandatory Power had submitted the Palestine problem to the General Assembly, each of the Governments concerned had, on some occasions, failed to comply with resolutions of the Assembly. As a general rule, the Arab States had opposed the resolutions when the circumstances had been favourable to their implementation and had demanded compliance with them when it had been quite safe to assume that they could no longer be implemented. It was hardly arguable that recommendations should retain an unchanging validity in the face of radically changed situations. Nothing would be more prejudicial to the success

of direct negotiations which might materialize than to link future prospects to unfulfilled proposals of the past. His Government, therefore, considered that any measures to limit the parties in their sovereign power of agreement by preconditions requiring conformity with previous programmes would be an error which would destroy the prospects for a peaceful Near East.

His Government believed that the relations between Israel and the Arab States had six major aspects, all of which should appear on an agenda for direct negotiations.

The first question related to security. The Armistice Agreements could only be replaced by a final peace settlement; they did not in themselves constitute a satisfactory basis for relations between Israel and the Arab States in the matter of security. Israel, having experienced a sudden invasion four years before and having to deal with subsequent infiltration, was of the opinion that the peace settlement should include more binding mutual guarantees against aggression than those contained in the Armistice Agreements. In view of the prevailing situation, the Governments of the Near East were maintaining higher military budgets than they would in normal circumstances, and thus there was a permanent danger of an armaments race. Moreover, the Arab States had expressed fear of a possible expansion of Israel; that fear was quite unfounded. However, if they were sincere, the Arab States should, logically, support a peace treaty embodying non-aggression guarantees. Also, a pacific settlement would make it possible to limit military budgets and to avoid an armaments race.

The second question was that of territorial adjustments. The previous frontiers laid down by the Armistice Agreements could be modified and adjusted within the framework of a negotiated peace settlement. In that connexion, one of the problems to be studied would be that of the demilitarized zones, where division of authority had always caused serious tensions at critical times. Similarly, both parties could take the necessary action to re-unite with their lands and fields certain villages now separated by frontiers laid down in the Armistice Agreements. Actually, in signing the Armistice Agreements, the parties had accepted the principle that frontier adjustments required consent; and the United Nations had always maintained that frontier adjustments, provided they could be effected by consent, were within the exclusive competence of the governments concerned.

The third question was that of the refugees. Israel, which had made more sacrifices than any State in history on behalf of refugees coming to it from outside, regarded that problem as one of urgent humanitarian concern. In the circumstance, nothing would be more inspiring than for the two negotiating parties to make joint proposals to the Commission for international assistance in solving the problem. His Government, in spite of the current political tension and the great strain on its economy, had agreed to release certain accounts held by Arab refugees in Israel banks and had further agreed, at the request of the United Nations Relief and Works Agency, to settle 19,000 refugees in Israel. It had also undertaken a special programme to unite families, thereby facilitating the passage of thousands of refugees across the lines, notwithstanding the state of tension. The Israel Government had always held that the settlement of the refugee question was an integral part of the establishment of normal relations between Israel and the Arab States. Nevertheless, it had agreed to the request of the Conciliation Commission to discuss the compensation question separately. It had also accepted the obligation to pay compensation for lands abandoned by Arab refugees, and it would co-operate with the United Nations organs concerned in working out a plan to that effect.

The fourth question related to the economic questions between the two parties. Since the States of the Near East were faced with similar or related economic problems, peaceful co-operation among them could enhance the welfare of the entire region; the economy of both the Arab States and of Israel would benefit considerably if the present blockade measures were replaced by normal economic relations. Co-operation between the States in the area in evolving new methods for the development of the area as a whole would assist the industrial growth needed by each country to supplement its agricultural production, would improve the exploitation of the area's natural resources and could even solve the common problem of the encroachment of the desert upon the cultivated area.

The fifth question concerned regional co-operation which had four aspects: communications, social and health questions, scientific and cultural questions and co-operation in technical assistance. The material and cultural predominance of the Near East in the past had resulted largely from active inter-communications between the countries of the region; the peace negotiations should consider ways and means of re-establishing road and railway communications, the interruption of which was harmful to the entire region. One

of the chief obstacles to progress in the Near East was its low standard of public health and its lack of progress in social organization. The absence of regional co-operation in matters common to all the Near Eastern countries, such as the battle against malaria and the traffic in narcotics, was a threat to the general human welfare. In the field of science and culture, the interchange by governmental agreement of students and teachers would serve to remind both the Hebrew and the Arab peoples of the human elements in their own traditions, thus removing the unnatural estrangement that had separated them in recent times. Finally, all the countries of the Near East needed technical assistance to solve their water, health and organizational problems, which could be dealt with only through co-operation.

The sixth question related to diplomatic and juridical relations. The establishment of normal relations in all the fields outlined should, the representative of Israel stated, be given formal effect in diplomatic international instruments. A treaty of peace should replace the Armistice Agreements. The boycott and blockade should be succeeded by trade treaties and transit agreements. Navigation, air and visa agreements and all the other conventions which normally existed between sovereign States at peace with each other should replace the ostracism and silence which at the moment marked the relations between Israel and the Arab States. There was nothing Utopian, he said, in the prospects he had outlined which represented merely Israel's view of a possible agenda for direct peace negotiations between Israel and its Arab neighbours. Israel would prefer to meet separately with each of the Arab States as it had met with each of them to conclude Armistice Agreements. If the proposals he had outlined were adopted as a result of the United Nations calling for free and direct peace negotiations, the Organization's prestige would be greatly enhanced.

In reply, the Arab representatives, in particular the representative of Syria, said that the plan outlined by the representative of Israel merely evaded the real problem before the Committee, since it dealt with the development of the Middle East and not with the rights of the refugees. It was an endeavour to obscure the issues by referring to a large number of subjects which fell within the sphere of the sovereign rights of Member States. Such problems, he held, could not be considered by the United Nations. The plan was not far removed from colonialism and the Arab States were not prepared to exchange European colonialism, which they were still fighting, for Israel colonialism. They added that the plan constituted simply a new version of the plans which the pioneers of Zionism had presented successively to various Powers, each time recommending an alliance and pointing out the advantages to be derived by the Power concerned, both for its economy and for its influence and prestige throughout the world. They added that before a peace plan could be negotiated the parties concerned must be sincerely and honestly prepared to respect all the obligations laid down in the Charter and all the resolutions of the General Assembly. For their part, the Arab States accepted all the Assembly's resolutions concerning the Palestine question. Israel, on the other hand, demanded that direct negotiations should be opened and stated from the outset that it intended to ignore the General Assembly's resolutions.

(c) DRAFT RESOLUTIONS AND AMENDMENTS SUBMITTED IN THE Ad Hoc POLITICAL COMMITTEE

In the course of the debate, three draft resolutions were submitted:

(1) a joint draft resolution (A/AC.61/L.23) originally submitted by Canada, Denmark, Ecuador, Netherlands, Norway and Uruguay which was later also sponsored by Cuba (A/AC.61/L.23/Rev.l) and by Panama (A/AC.61/L.23/Rev.2); (2) a joint draft resolution (A/AC.61/L.25) by Afghanistan, Indonesia, Iran and Pakistan; and (3) a Syrian draft resolution (A/AC.61/L.33).

Under the eight-Power draft resolution (A/-AC.6l/L23/Rev.2), the Assembly, recalling its own resolutions and the resolutions of the Security Council, especially those calling upon the parties in Palestine to achieve an early agreement on a final settlement, and taking note of the twelfth report of the Palestine Conciliation Commission, would:

(1) call upon all parties to desist from any further acts of hostility; (2) reaffirm the principle that the Governments concerned had the primary responsibility for reaching a settlement; (3) urge these Governments to begin early direct negotiations for a settlement; and (4) request the Conciliation Commission to be available for that purpose, if so desired.

The following amendments to the eight-Power draft were submitted:

(a) An amendment by Chile (A/AC.61/L.26) which would change the first paragraph of the operative part to refer to "any act" of hostility rather than to "any further acts" and in the third paragraph add a provision that in the envisaged negotiations due consideration would be given to the fundamental principles contained in United Nations resolutions on Palestine and its problems.

(b) A joint amendment by Colombia, Costa Rica, El Salvador, Haiti and Honduras (A/AC.61/L.27) which would: (1) add a paragraph expressing apprecia-

tion of the Commission's work; (2) rephrase the third paragraph to add a reference to Article 33 of the Charter and the previous Assembly resolutions and to include a provision asking the Governments concerned to use in their negotiations the good offices of the Commission and the facilities of the United Nations; (3) replace the fourth paragraph by one which would urge the Commission to continue helping the parties in reaching a settlement and to initiate direct negotiations between them; and (4) add at the end two new paragraphs which would request the Commission to render periodic reports and the Secretary-General to provide facilities for carrying out the terms of the resolution.

(c) An amendment by Peru (A/AC.61/L.28) which would insert a clause to refer to the jurisdiction vested under the Charter in the United Nations and particularly in the Assembly and the Security Council under the previous resolutions on Palestine.

At the 36th meeting of the Committee on 8 December another revision of the eight-Power draft resolution was presented (A/AC.61/L.23/-Rev.3) which took into account the various amendments. The new text contained a provision whereby the Governments would enter into direct negotiations without prejudice to their respective rights and claims and would bear in mind the principal United Nations objectives in Palestine including the religious interests of third parties. The representatives of Chile and Peru therefore withdrew their amendments and the representative of Costa Rica, on behalf of the sponsors, withdrew the joint amendment. This draft underwent a further change (A/AC.61/-L.23/Rev.4) when, at the suggestion of the Mexican representative, words were added to the effect that the Governments concerned would bear in mind resolutions of the United Nations as well as the religious interests of third parties.

In explaining their draft resolution, the sponsors of the eight-Power draft, supported by the representatives of Chile, Colombia, France, New Zealand, the Union of South Africa, the United Kingdom and the United States, said that the draft resolution was intended to accomplish one of the essential purposes of the United Nations, namely, the pacific settlement of international disputes by means of direct negotiations.

The unsettled situation in the Near East, they said, was a factor making for instability in the world. It was necessary to establish normal relations between Israel and the neighbouring States and many attempts had already been made in that connexion, more particularly by the Conciliation Commission for Palestine. It was to be hoped that the Commission would continue its efforts, but they were convinced that an appeal should be made for direct negotiations between the parties.

Since the United Nations and its agencies could only recommend and not impose any solution, the primary responsibility for reaching a settlement rested on the parties themselves. They were aware of the difficulties of the problem, particularly those presented by the unsettled refugee question. However they doubted the wisdom of making direct negotiations conditional upon settlement of that question and suggested that that settlement had perhaps been rendered more difficult because the matter had been considered in isolation. They felt that it would be preferable to seek a comprehensive settlement by direct negotiations and if that attempt failed, at least a clear picture of the whole problem would have been obtained.

Moreover, the joint draft resolution recalled old resolutions adopted by the United Nations on the Palestine question. None of these resolutions had been rejected and the Arab delegations were perfectly free to propose them as a basis for negotiations, while every delegation would have the right to put forward new and different proposals in the light of events. These resolutions undoubtedly contained many useful proposals which could and should still be implemented; nevertheless, they inevitably took account of the situation at the time of their adoption and did not necessarily bind the Assembly forever. In the present case, the Assembly would certainly not wish some of its resolutions to stand in the way of an agreement between the parties. They added that it was encouraging to note that the Arab States had not rejected the idea of direct negotiations although they wished them to take place on the basis of past General Assembly resolutions. However, to make these resolutions a prerequisite for negotiation was not the best procedure to achieve good results.

The representatives of the Arab States rejected the eight-Power draft resolution as being partial, impractical and useless. Their central thesis was that the direct negotiations called for in the joint draft would be fruitless if they were not based upon the previous resolutions of the United Nations, and in particular resolution 194(III) of 11 December 1948.

Under the joint draft resolution (A/AC.61/-L.25) submitted by Afghanistan, Indonesia, Iran and Pakistan, the General Assembly would reaffirm its resolution 512(VI) of 26 January 1952, express appreciation of the efforts of the Conciliation Commission and note with regret that during the previous year the progress had not come up to expectations. It would further: request the Commission to continue efforts to fulfil

its task under Assembly resolutions; decide that its headquarters should be located in Jerusalem; increase the Commission's membership to five, the two additional members to be nominated by the Assembly; and request the Commission to report to the eighth session of the Assembly.

The sponsors of the four-Power draft resolution, supported by the representatives of the Arab States as well as by those of Ethiopia and India, considered that the previous resolutions should be reaffirmed and not merely recalled, as in the eight-Power draft resolution, and that the United Nations objectives in Palestine should be specific and the basis for the recommended negotiations should be made clear. They also felt some concern at the statement by the Israel representative that the previous resolutions had been rendered obsolete by the march of events and could not serve as a basis for negotiations. These resolutions, they considered, should continue to be the basis for negotiations. If the parties subsequently agreed to modify some of the Assembly's decisions, there would be no grounds for objection; the essential point was to afford them a basis upon which negotiations could be started. The draft reaffirmed Assembly resolution 512 (VI), giving particular importance to the fourth and fifth operative paragraphs. The headquarters of the Commission should, they argued, be in Jerusalem, if only for the moral effect it would have on the peoples concerned; the Commission's presence there would show that it was prepared to take an active part in the negotiations between the parties to the dispute. As for the increase in the membership of the Commission, one of the reasons for such an increase was that, in its report to the Assembly's sixth session, the Conciliation Commission had stated that its members had received instructions from their Governments which they had felt obliged to carry out. United Nations commissions should be objective, impartial and truly international in character and an extension of the Commission's membership would probably increase confidence in its impartiality. Moreover, the Commission, which had begun to show signs of fatigue during its four years in office, might gain in vigour by the introduction of new blood.

The representative of Syria was of the opinion that the joint eight-Power draft resolution raised legal questions of the highest importance. Since direct negotiations would deal with the rights of the refugees, he wondered whether the United Nations could invite Israel and the Arab States to reach agreement with respect to the purely private rights of persons who were not even their nationals. Before coming to a decision on the eight-Power draft, the Committee should, logically, ask the highest international legal authority for an answer to the question. That course of action was essential so that the members of the Committee should no longer have any doubt in their minds as to the justice and equity of the decisions they would be required to adopt. Therefore he introduced a draft resolution (A/AC.61/L33), according to which the General Assembly would state that the problem of the Palestine Arab refugees involved questions of law and would call for legal examination of the various rights of refugees. It would request, in accordance with Article 96, paragraph 1, of the Charter, the advisory opinion of the International Court of Justice on the following legal questions:

(1) whether Palestine Arab refugees were entitled as of right to be repatriated to their former homes and to exercise their rights to their properties and interests; (2) whether Israel was entitled to deny refugees these rights; (3) whether these rights should be observed by themselves or required to be negotiated by States, the refugees not being nationals thereof; and (4) whether Member States were entitled in law to enter into any agreement in relation to these rights.

Both the representatives of France and of the USSR expressed their opposition to the principles contained in the Syrian draft resolution.

The representative of France recalled that his delegation had consistently taken the position that the International Court of Justice had not been created as a United Nations tribunal and had no competence to interpret the Charter or render advisory opinions to the Assembly, as would be seen from a study of Chapter II of its Statute. Practice had been different, but his Government's position had been in some measure vindicated by the fate of advisory opinions so far rendered. This course was to be deplored because it compromised the authority of the Court in purely political questions. The French delegation, therefore, opposed the Syrian draft resolution on principle. It further objected to the Syrian proposal in the interests of the Arab refugees themselves. The special circumstances of the Palestine question had rendered the General Assembly competent to deal with it. If, as Syria argued, the Assembly was not competent to recommend negotiations between the parties, its competence to settle the refugee question could also be called into question. Were the Syrian argument carried to its logical conclusion, it would in fact deprive the refugees of the international protection afforded by an Assembly resolution and leave them no other recourse than to the courts of Israel. In the interests of the refugees, France would vote against the Syrian proposal.

The representative of the USSR argued that the rights of the Arab refugees had been recognized by General Assembly decisions which could not be revised or annulled. There was therefore no need for an opinion from the International Court. Moreover, it would be incorrect to refer such a political matter to the Court. Accordingly, the USSR would vote against the Syrian draft resolution.

At the 39th meeting on 11 December 1952, the Committee voted on the three draft resolutions before it in the order of their submission, having rejected by a roll-call vote of 21 to 13, with 24 abstentions, a motion by the representative of Syria to give priority to his draft resolution (A/AC.61/L.33).

The revised eight-Power draft resolution (A/AC.61/L.23/Rev.4) was voted on first, with the following results:

The preamble and the first three paragraphs of the operative part were adopted by 34 votes to 11, with 9 abstentions; paragraph 4 of the operative part was adopted by a roll-call vote of 31 to 14, with 13 abstentions; paragraphs 5, 6 and 7 were adopted by 35 votes to 16, with 3 abstentions. The draft resolution as a whole was adopted by a roll-call vote of 32 to 13, with 13 abstentions.

The four-Power draft resolution (A/AC.61/L.25) was rejected by 27 votes to 14, with 13 abstentions, and the Syrian draft resolution (A/AC.61/L.33) was rejected by 26 votes to 13, with 19 abstentions. The text of the draft resolution adopted by the Committee read:

"The General Assembly,

"Recalling that it is the primary duty of all Members of the United Nations, when involved in an international dispute, to seek the settlement of such a dispute by peaceful means, in accordance with Article 33 of the Charter,

"Recalling the existing resolutions of the General Assembly and the Security Council on Palestine,

"Recalling especially those resolutions which call upon the parties to achieve at an early date agreement on a final settlement of their outstanding differences,

"Taking note of the twelfth progress report (A/2216) of the United Nations Conciliation Commission for Palestine in which it is suggested that general or partial agreement could be sought through direct negotiations, with United Nations assistance or mediation,

"1. Expresses its appreciation of the efforts made to date by the Conciliation Commission for Palestine in the discharge of its mandate;

"2. Calls upon the parties to honour fully their undertaking to refrain from any acts of hostility against each other;

"3. Reaffirms the principle that the Governments concerned have the primary responsibility for reaching a settlement of their outstanding differences, and with this in view;

"4. Urges the Governments concerned to enter at an early date, without prejudice to their respective rights and claims, into direct negotiations for the establishment of such a settlement, bearing in mind the resolutions as well as the principal objectives of the United Nations on the Palestine question, including the religious interests of third parties;

"5. Requests the Conciliation Commission for Palestine to continue its efforts to fulfil the tasks entrusted to it under General Assembly resolutions and to be available for assistance in the negotiations if so desired;

"6. Requests the Conciliation Commission for Palestine to render progress reports periodically to the Secretary-General for transmission to the Members of the United Nations; and

"7. Requests the Secretary-General to continue to provide the necessary staff and facilities for carrying out the terms of the present resolution."

(2) Consideration by the General Assembly in Plenary Session

The report of the Ad Hoc Political Committee (A/2310) was considered by the General Assembly at its 405th and 406th plenary meetings on 18 December. The representative of the Philippines submitted an amendment (A/L.134) to alter the fourth paragraph of the operative part of the draft resolution recommended by the Committee to read:

"Urges the Governments concerned to enter at an early date, without prejudice to their respective rights and claims, into direct negotiations for the establishment of such a settlement, on the basis of the resolutions as well as the principal objectives of the United Nations on the Palestine question, including the religious interests of third parties, and, in particular, the principle of the internationalization of Jerusalem."

The words "on the basis of" would replace the words "bearing in mind" and the reference to the principle of the internationalization of Jerusalem would be added. The representatives of Belgium, Colombia, the Dominican Republic, Haiti, Pakistan and Peru, speaking in favour of the amendment, declared that they were doing so because it reaffirmed all United Nations resolutions relating to the Palestine question, especially to the internationalization of Jerusalem. The representatives of Australia, France, the Netherlands, New Zealand and the United States declared that they would vote against the amendment because it would limit the freedom of the proposed negotiations by dictating, in advance, the conditions for those negotiations. Moreover, it would make the question of the internationalization of Jerusalem a subject for negotiations between the parties, whereas that question was an international one. Furthermore, some representatives, while supporting the internationaliza-

tion principle, doubted whether the two parties affected, namely, Israel and Jordan, would be ready to accept implementation of that principle.

The representatives of Iraq and Egypt reiterated the view they had previously expressed in the Ad Hoc Political Committee to the effect that the direct negotiations called for in the proposed resolution would be fruitless. They quoted excerpts from an interview of Mr. Ben Gurion, Prime Minister of Israel, who was alleged to have said that the Arab refugees should not be repatriated, that Jerusalem should not be internationalized and that no part of Israel territory could be ceded. In view of that declaration, they said, the Arabs were wondering what remained to be negotiated.

The representative of Israel remarked that the dispatch of the New York Times which was referred to had not accurately described the intentions of the Israel Prime Minister, but had merely reflected the correspondent's interpretation of the Prime Minister's views. He suggested that it would not be in keeping with the usual procedures of international relations to describe the viewpoints of governments from unofficial sources.

The representative of Syria agreed that only official governmental views should be taken into consideration. However, he recalled that Mr. Ben Gurion himself had, on 13 December 1949, officially declared in the Israel Parliament that the United Nations decision to internationalize Jerusalem was utterly incapable of implementation. Moreover, the Conciliation Commission had declared in its third progress report that it had not succeeded in achieving the acceptance by Israel of the principle of repatriation. Furthermore, Mr. Eban, the permanent representative of Israel to the United Nations, in a letter dated 28 October 1949 addressed to the Conciliation Commission, had declared that there could be no cession of the present Israel territory. If the New York Times dispatch and these quotations were either false or had misinterpreted the intentions of the Government of Israel, the Syrian representative maintained, the representative of Israel should so inform the Assembly.

At its 406th plenary meeting on 18 December, the General Assembly voted on the Philippine amendment. It first rejected, by a roll-call vote of 26 in favour to 24 against, with 10 abstentions,[60] the proposal to replace the words "bearing in mind" by the words "on the basis of" in the fourth operative paragraph. Voting was as follows:

In favour: Afghanistan, Argentina, Belgium, Bolivia, Brazil, China, Colombia, Dominican Republic, Egypt, El Salvador, Ethiopia, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Peru, Philippines, Saudi Arabia, Syria, Thailand, Turkey, Yemen, Yugoslavia.

Against: Australia, Byelorussian SSR, Canada, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, France, Iceland, Israel, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, Sweden, Ukrainian SSR, Union of South Africa, USSR, United Kingdom, United States, Uruguay.

Abstaining: Burma, Costa Rica, Greece, Guatemala, Honduras, Liberia, Luxembourg, Mexico, Paraguay, Venezuela.

The Assembly then rejected, by a roll-call vote of 28 in favour to 20 against, with 12 abstentions,[61] the remainder of the amendment, referring to the principle of the internationalization of Jerusalem. Voting was as follows:

In favour: Afghanistan, Argentina, Belgium, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Egypt, El Salvador, Ethiopia, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Thailand, Venezuela, Yemen.

Against: Byelorussian SSR, Czechoslovakia, Denmark, Ecuador, Iceland, Israel, Netherlands, New Zealand, Norway, Panama, Poland, Sweden, Turkey, Ukrainian SSR, Union of South Africa, USSR, United Kingdom, United States, Uruguay, Yugoslavia.

Abstaining: Australia, Burma, Canada, China, France, Greece, Guatemala, Honduras, Liberia, Luxembourg, Mexico, Nicaragua.

The draft resolution proposed by the Ad Hoc Political Committee was rejected by a roll-call vote of 24 in favour to 21 against, with 15 abstentions,[62] as follows:

In favour: Australia, Brazil, Burma, Canada, Chile, Cuba, Denmark, Ecuador, France, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Sweden, Union of South Africa, United Kingdom, United States, Uruguay, Yugoslavia.

Against: Afghanistan, Bolivia, Byelorussian SSR, China, Czechoslovakia, Egypt, El Salvador, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Poland, Saudi Arabia, Syria, Thailand, Ukrainian SSR, USSR, Yemen.

Abstaining: Argentina, Belgium, Colombia, Costa Rica, Dominican Republic, Greece, Guatemala, Haiti, Honduras, Liberia, Mexico, Peru, Philippines, Turkey, Venezuela.

In explaining his vote, the USSR representative recalled that in the course of the debates in the Ad Hoc Political Committee several resolutions had been submitted. However, "as a result of corridor politics", the draft of the reso-

[60] The proposals were not adopted as they did not receive the required two-thirds majority.

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lution recommended to the Assembly had been changed several times. His delegation had abstained on that resolution since it referred to the Conciliation Commission to the creation and activities of which the Soviet Union had always objected. He also recalled that his delegation had, on a number of occasions, pointed out that the Commission, which was created at the initiative of and headed by the United States, did not serve to reconcile the interests and settle disputes between the parties in Palestine. In fact, he said, the whole activity of the Commission testified to the fact that not only did it not help to settle points of dispute, but it was rendering the situation in the Middle East more acute and was not acting in the interests of the people of that area. The presence in the resolution of items relating to the work of the Commission had made the whole resolution unacceptable to his delegation.

No resolution on the question was adopted at the seventh session of the General Assembly, and the resolution adopted at its sixth session (512(VI)) therefore remained in force.

4. Complaint of Israel against Arab States

In a letter (A/2185) dated 14 September 1952 to the Secretary-General, the permanent representative of Israel stated that, in the event of an item concerning the Palestine conciliation effort being included in the agenda of the Assembly's seventh session, his Government would request that, with a view to a balanced consideration of this question by the Assembly, the following item should be included: "Violation by Arab States of their obligations under the Charter, United Nations resolutions and specific provisions of the General Armistice Agreements concluded with Israel, requiring them to desist from policies and practices of hostility and to seek agreement by negotiation for the establishment of peaceful relations with Israel".

Subsequently, by a letter (A/2185/Add.l) dated 9 October 1952, the permanent representative of Israel submitted an explanatory memorandum recalling that hostilities between the Arab States and Israel, brought about by the armed intervention of the Arab States in defiance of the General Assembly resolution 181(II) of 29 November 1947, were terminated early in 1949 by the series of Armistice Agreements between Israel, on the one hand, and Egypt, Lebanon, Jordan and Syria, on the other. Despite the lapse of nearly four years, there had been little or no further progress towards the conclusion of a final peace settlement between the parties.

The Assembly, in resolution 194(III) of 11 December 1948, the memorandum said, had called upon the Arab States to seek agreement by negotiation with a view to the final settlement of all questions outstanding between the Arab States and Israel. Similar calls to the parties to settle their differences by negotiations had repeatedly been made by both the General Assembly itself and by the Security Council, most recently by Assembly resolution 512](VI) of 26 January 1952. Moreover, the Armistice Agreements of which the above-mentioned States were signatories, were intended, according to their very text, to facilitate the transition to permanent peace.

The Government of Israel, the memorandum continued, had at all times indicated its readiness to meet with representatives of the Arab countries with a view to achieving such a settlement. The Arab States on the contrary, it charged, had continued to maintain tension and to endanger peace and security throughout the region: by constantly rejecting proposals for direct discussion and negotiation; by reiterated threats of force and by inflaming public sentiment against Israel; by declared ambitions of territorial expansion against Israel, including acts of armed infiltration across the borders; by acts of illicit blockade condemned by the Security Council; and by refusal to implement vital provisions of the Armistice Agreements, including provisions for ensuring free access to and operation of institutions of science, culture and religion. All efforts of the United Nations Conciliation Commission for Palestine throughout the four years of its existence to bring the parties together had, therefore, remained fruitless.

The refusal of the Arab States to enter into negotiations with Israel also, it was maintained, constituted a violation of the United Nations Charter, which, in Article 2, paragraph 3, enjoined all Members to settle their international disputes by peaceful means and, in Article 33, enjoined the parties to any dispute to seek a solution by negotiation or other peaceful means of their own choice.

Israel therefore requested that the General Assembly give further consideration to the situation with a view to calling upon the Arab States to seek a peaceful settlement of their dispute with Israel by direct negotiations.

The General Assembly, at its 380th plenary meeting on 16 October, decided to include the question in its agenda and at its 382nd plenary

meeting on 17 October, decided to refer it to the Ad Hoc Political Committee.

By a letter (A/AC.61/L.45) dated 19 December 1952, addressed to the Chairman of the Ad Hoc Political Committee, the representative of Israel stated that since the problem had been fully discussed during consideration of the item "The Conciliation Commission for Palestine and its work in the light of the resolutions of the United Nations" (see above), his delegation did not insist that the new item proposed by his delegation should be considered by the Ad Hoc Political Committee.

On the proposal of the Chairman, the Ad Hoc Political Committee at its 50th meeting on 19 December, by 47 votes to none, with 10 abstentions, adopted a draft resolution taking note of the communication from Israel.

The draft resolution proposed in the Committee's report (A/2340) was adopted by the General Assembly at its 410th plenary meeting on 21 December by 37 votes to 1, with 11 abstentions, as resolution 619(VII). It read:

"The General Assembly

"Takes note of the communication of 19 December 1952 from the representative of Israel to the Chairman of the Ad Hoc Political Committee, stating that the debate in that Committee on item 67 of the agenda of the General Assembly had dealt fully with most aspects of item 68 and that the Israel delegation did not insist on the consideration of the latter item."

5. Assistance to Palestine Refugees

In accordance with General Assembly resolution 302 (IV) of 8 December 1949, establishing the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA-PRNE), the Director of UNRWAPRNE submitted an annual report (A/2171) covering the period 1 July 1951 to 30 June 1952 and a special report (A/2171/Add.1) containing recommendations of the Director and the Agency's Advisory Commission for the future work of assistance to the Palestine refugees.

a. REPORT OF THE DIRECTOR OF UNRWAPRNE

The report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWAPRNE) (A/2171) covering the period 1 July 1951 to 30 June 1952 stated that as of June 1952 there were more than 880,000 refugees on the Agency's ration rolls. They were distributed as follows:

Lebanon	104,000
Syria	84,000
Jordan	470,000
Gaza	204,000
Israel	19,000

Late in June 1952, agreement was reached with Israel that it would assume responsibility for the care of 19,000 refugees on its soil. Supplies already delivered, as well as technical assistance from the Agency's staff were, however, to be available over a transition period of two months.

Only one third of the registered refugee population lived in Agency-organized camps, the report said. The other two-thirds had managed to find lodging on their own. However, with their diminishing resources, a large number had found it impossible to continue independently and had to be admitted to camps. The requests of many more had been turned down.

Due to the world shortage of tents and the experience of the 1951-52 winter when very large numbers of tents were destroyed by storms, new shelter and hut construction programmes had been launched by the Agency in Jordan, Syria and parts of the Gaza strip where there was a more or less permanent refugee population.

A satisfactory nutritional level was maintained during the period—a fact attested by experts of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) after a survey conducted in April 1952. The experts however emphasized the fact that the satisfactory nutritional level had been maintained largely on account of the supply of milk to 450,000 refugee infants, children and mothers by the United Nations International Children's Emergency Fund (UNICEF). (Milk was not supplied by the Agency.) Standards of health care remained high and no outbreaks of disease occurred during the year, it was reported.

The report said that with relief funds it had been barely possible to maintain minimum standards of food, shelter and health and that clothing of the refugees had been dependent on voluntary contributions organized in a number of countries.

A welfare programme was also provided including social case-work for the individual refugee, recreational facilities, Boy and Girl Scouts and other youth activities and sewing and embroidery centres for girls. The Agency also developed, with the assistance of the United Nations Educational, Scientific and Cultural Organization (UNESCO), an education and school system at the primary level.

The report emphasized the need to terminate relief operations by providing regular work for

the refugees in order to prevent the development of "a professional refugee mentality". It further emphasized the need for dispersal of refugees in areas with an economic potential. The report then reviewed the Agency's work[63] from its inception to the adoption by the Assembly at its sixth session of resolution 513 (VI)[64] by which it approved a $250 million programme and called for contributions of that amount over a period of approximately three years. This provided for $50 million for relief and $200 million for the new programme of improvement of living conditions of refugees.

Explaining the new programme, the report said that its essence was the improvement of living conditions of refugees and the elimination of camp life and ration rolls, an aim to be achieved without prejudicing the interests of refugees as regards repatriation and/or compensation. This objective, the report said, was to be accomplished through: helping refugees to find employment; training for occupations where there was shortage of trained workers; making loans and grants to refugees to establish small enterprises; building houses in or near urban areas where employment was available; establishing villages in areas where cultivable land was available; developing agricultural lands through the drilling of wells, irrigation works, and access roads; and financing economic development generally and providing technical assistance where there were assurances of proportionate benefit to refugees.

Giving the status of the programme in various areas, the report said that Jordan, which had within its borders almost half the refugees, had offered citizenship to them and opportunities for self-support. The Jordan Government was completing a 200-unit housing project for refugees at Ghor Nimrim. The Agency's activities in Jordan comprised: (1) the establishment of a Development Bank for a small loan programme for refugees; (2) studies for an agricultural project at Sheraa; (3) the completion of a 50-unit housing programme in Amman; (4) the establishment of a small co-operative on government land—the first crops under this co-operative were good and the project was being expanded; (5) the establishment of a 36-unit Merj Naja Agricultural Community; (6) the merging of small training projects into a $1 million vocational programme; and (7) the drawing up of an agreement for an $11 million programme which had been approved by the Government.

As regards Syria, the report stated that there were good prospects of helping refugees in that country and that a small loan programme was at present in operation. A large vocational programme was being planned. Iraq and Libya were, in the opinion of the Agency, suitable as placement centres. Iraq already had 5,000 refugees under government refugee care while the new Government of Libya had suggested the admission of 1,200 refugee families.

In Lebanon, the report said, the Government did not feel that there were opportunities for refugees and in Gaza water and soil survey did not yield good results. However, plans were being made in Gaza for large-scale vocational training projects.

The Agency expressed the hope that in the coming year it would demonstrate convincingly the economic potential of a capital investment of $200 million in improving refugee living conditions. It also envisaged economic benefits to the countries where the refugees were settled.

The report stated that the Agency's total income for the fiscal year amounted to some $43.3 million, including cash contributions of $41.8 million, contributions in kind of $1.1 million, and miscellaneous receipts of $400,000. The greater part of the cash contributions were against current pledges amounting to some $66 million. Contributions by countries were: United States $30,000,000, United Kingdom $8,000,000, France $2,000,000, others $1,030,921. Thus, the report stated, as against $77 million budgeted by UNRWAPRNE and authorized by the General Assembly resolution, some $66 million were pledged by governments and $41 million were actually received. The total expenditure was stated by the report to have been $29.19 million out of which $25.90 million were spent on relief and $3.28 million on the new programme. The Agency expected that ample funds would be available for the new fiscal year. On 1 July the Agency had approximately $11 million of unallotted and unreserved cash, and $25.2 million were expected on pledges for the fiscal year 1951-52. In addition, a total of $80 million was anticipated during the fiscal year 1952-53 as follows: United States $60 million; United Kingdom $15 million; France $3 million; other contributors $2 million.

Though the available resources for the new fiscal year were nearly $116 million, the report stated that only a small part of the sum would be available for the relief programme, since two of the contributing governments had stipulated

[63] See Y.U.N., 1950, pp. 323-28 and Y.U.N., 1951, pp. 309-16.

[64] See Y.U.N., 1951, pp. 315-16.

that only a limited portion of their funds might be used for that purpose. However, a large part of the funds would be available for financing projects under the new programme.

Under the heading "Operational Reports", the Agency dealt with its organization and administration; procedures and methods of supply and procurement; the organization, personnel and budget of its health and medical programme; the organization of refugee welfare including social welfare, placement and statistics of refugees; the organization of its education division including pre-vocational and technical training, and fundamental and adult education; co-ordination with specialized agencies and other bodies; and the legal aspects of the Agency's work.

A special report (A/2171/Add.l) of the Director and the Advisory Commission of the Agency, dated 17 October, stated that the Director and the Advisory Commission together had reviewed the programme operations. They now submitted their conclusions and recommendations which were as follows:

(1) During the intervening months, the Agency had made efforts to negotiate programme agreements with the governments in the area and to start projects which would take refugees off relief without prejudice to their interests in repatriation or compensation.

(2) Although the programme had started and agreements had been reached, a revision of schedules was necessary.

(3) Relief costs for the current year would approximate $23 million instead of the estimated $18 million. The Agency was prepared financially to commit and to expend during the current fiscal year $100 million on works projects. It was hoped that project agreements would be executed for the balance of the programme by 30 June 1954.

(4) Acceleration of the programme was essential. Relief funds were running out and the flow of funds for projects could not be sustained unless available funds were utilized.

(5) The Director and the Advisory Commission would urge governments concerned to co-operate with the Agency in preparing specific projects and helping in their execution.

The Director and the Advisory Commission therefore recommended that the Assembly:

(1) authorize the Agency to spend $23 million for relief and to commit and expend $100 million for works projects in the fiscal year 1952-53; (2) authorize the Director after consultation with the Advisory Commission, to formulate and revise as required a fiscal plan for the fiscal year 1953-54 within limits of the over-all programme under Assembly resolution 513(VI); (3) direct that revisions and transfers with respect to fiscal plans for 1952-53 and 1953-54 be reported to the Assembly at its eighth regular session; and (4) request that negotiations for contributions necessary to finance the programme be continued by the Negotiating Committee for Extra-Budgetary Funds.

b. CONSIDERATION BY THE Ad Hoc POLITICAL COMMITTEE

The General Assembly decided to include the two reports in its agenda and referred them to the Ad Hoc Political Committee which discussed them at its 3rd to 7th meetings between 23 and 30 October 1952.

In a statement supplementing the reports, the Director of the Agency said that UNRWAP-RNE's function was to help improve the living conditions of the Palestine refugees and to enable them to become self-supporting without prejudice to their right to repatriation or to compensation if they decided not to return to their homes.

The success of the programme, he declared, would depend upon the co-operation of the governments of the host countries, the generosity of contributing governments, a spirit of understanding on the part of refugees and administrative effectiveness on the part of the Agency. It was important, he said, that the programme had been endorsed by the Arab League. With that solid foundation, the Agency had drawn up works projects which had been submitted to governments of host countries and had received their approval. The current financial year was a decisive one for the Agency as well as for the refugees, the interested governments and the contributing governments. Relief expenses, he said, would amount to $23 million, but that sum would only cover the most urgent needs and would suffice only if food prices remained stationary, if relief was restricted to refugees really in need and if the operation of the new programme progressed according to plan. He noted also that the estimated relief expenses for the current financial year would exhaust allocations for relief. Any increase in expenditure would have to be met out of funds allocated for the projects and would jeopardize their execution. He then recapitulated the progress achieved by the Agency in its work (see above).

He concluded by stating that during the current financial year the Agency would have $100 million to devote to the work of improving the condition of the refugees—a heartening fact which held out fresh hope.

Discussion in the Committee centred in a draft resolution (A/AC.61/L.1) submitted jointly by France, Turkey, the United Kingdom and the United States, under which the General Assembly, recalling its previous resolutions and recognizing that immediate realization of the goals for the reduction of relief expenditure envisaged in the three-year $250 million programme ap-

proved in resolution 513 (VI) had not proved possible, would:

authorize the Agency to increase the budget for relief to $23 million for the fiscal year ending June 1953, and to make such further adjustments as it might deem necessary to maintain adequate standards. It would, further, authorize the Agency to adopt an $18 million relief budget for the fiscal year ending 30 June 1954, and to allocate any funds remaining for reintegration according to time schedules deemed appropriate. The draft resolution would request that negotiations regarding contributions for the programme should be carried out with Member and non-member States by the Negotiating Committee for Extra-Budgetary Funds.

The following amendments to the draft resolution were submitted:

(1) An amendment by El Salvador (A/AC.61/L.2) which would add at the end of the operative part a fourth paragraph reiterating gratitude to the voluntary agencies of various countries, and specially of the United States, for their co-operation and requesting them to continue their effective, humanitarian assistance.

(2) An amendment by the Philippines (A/AC.61/-L.3) which would add, after the Salvadorian amendment, a paragraph expressing appreciation of the collaboration of the specialized agencies and the hope that such collaboration would continue.

The Committee decided, at the suggestion of the United States and with the agreement of El Salvador and the Philippines, to include in the record a statement by the Chairman on behalf of the Committee expressing its appreciation for the close collaboration of the specialized agencies and the hope that it would continue in increasing measure. The Committee also reiterated its gratitude to the numerous voluntary agencies, mostly religious agencies of various countries, which on their own initiative had co-operated with UNRWAPRNE. It urgently requested them to continue their effective, humanitarian assistance which the civilized world needed, profoundly appreciated and whole-heartedly commended. Thereupon the representatives of El Salvador and the Philippines withdrew their amendments.

Opening the debate, the representative of the United States paid tribute to the work of the Agency stating that in the past year it had housed, fed and clothed more than 800,000 refugees scattered over more than 100,000 square miles. It had made progress with large-scale, long-range projects which would mean work and wages for thousands now on relief. He agreed with the Director's report that widespread projects to enable the refugeees to live by their own efforts should be sought. The United States, he said, had contributed $110 million to the $250 million programme so far and the Executive Branch was ready to ask Congress for more funds, on condition that other nations should meet a fair share of the cost.

He said that the Agency's three-year programme of diminishing relief and expanding development had thus far not been achieved and the relief budget for the current year would have to be increased beyond the $18 million set at the Assembly's sixth session and therefore adjustments within the $250 million programme would be necessary for the coming fiscal year. The joint draft resolution, he said, provided for the $23 million budget proposed by the Agency but also allowed for flexibility permitting the Agency either to exceed the figure or to reduce expenditure if unexpected economies could be effected. By contrast it proposed a definite figure for the relief budget for the fiscal year 1954. It did not provide for the revision of that figure by the Agency since the Assembly could review it at its eighth session. The lesser figure for 1954 however, he emphasized, did not mean that less would be done for the refugees that year. On the other hand, more would be done in other helpful ways.

The representative of the United States expressed his Government's hope that before the next Assembly the capital funds available would have been utilized on programmes of economic development on a co-operative basis. As more and more work was found for refugees on such programmes, wages would replace relief and they would move forward as self-supporting members of the community.

Reiterating the need for increasing the relief budget, the representative of the United Kingdom stated that the programme had suffered a set-back for unavoidable reasons but that there was no need for disappointment. His Government's belief in the programme, he said, was indicated by its willingness to contribute $15 million during the current year towards its realization.

The representative of Turkey stated that his country's concern for the refugees had been demonstrated by the contributions it had made either directly to UNRWAPRNE or through the Turkish Red Crescent. But because of its preoccupation with its own refugee problem—the resettlement of refugees coming from Bulgaria—it did not have sufficient financial resources to make a formal commitment regarding its contribution for the current fiscal year. Consequently its sponsorship of the joint draft resolution should not be construed as a financial commitment.

The representative of France stated that in order to advance its work the Agency must settle its current budgetary problem. The draft resolution, he said, offered a practical solution. The $23 million figure for relief for 1952-53 would be sup-

plemented by the $2 million held in reserve from the previous year's budget. This would, he said, bring the relief budget up to $25 million, a sum comparable to that actually spent for the previous year's operations.

The representative of Canada stated that, while the rehabilitation of refugees could not be accomplished without the active co-operation of all Members, those in a position to render the best assistance were the countries closest, both geographically and in other respects, to the refugees themselves. The Canadian Government had contributed over $3 million to the relief of refugees but it was neither sound nor equitable for a few great Powers and a small number of other States to assume almost the entire financial responsibility for the United Nations undertaking. The generous impulses of some peoples, he said, might lose their warmth unless they were convinced that Member States as a whole were doing their share and that opportunities for rehabilitation and not mere relief were being offered to the victims of war.

The representatives of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen were united in the view that the report of the Director had painted an unduly rosy picture of the condition of refugees. They held that the refugees were inadequately housed, clothed and fed and that their health conditions were far from satisfactory. In this connexion, the representative of Yemen charged that ten per cent of them were suffering from tuberculosis. The representative of Lebanon said that there was an acute shortage of trained doctors, hospital beds and homes for orphaned children. He also referred to the lack of educational facilities for refugee children, of whom more than three quarters were receiving no schooling at all. The Lebanese Government was providing education to 12,000 refugee children even at the risk of depriving Lebanese children of the schooling they would normally receive. All these representatives expressed the view that the only effective way of dealing with the refugee situation was to repatriate them to their homes and to pay compensation to those not wishing to return, as laid down in previous Assembly resolutions.

Discussing specific problems, the representative of Egypt stated that the flexibility in handling funds which had been provided for in the joint draft resolution might make it possible to exceed the ceiling and provide refugees with a basic subsistence level. With this in view he expressed the hope that UNRWAPRNE's Director might be able to cut administrative costs to the minimum.

The representatives of Saudi Arabia and Lebanon referred to the per capita allowance of the refugees which, it was stated, was $2.62 per month. In this connexion the representative of Lebanon stated that immigrants into Israel who were now being settled in the former homes of the refugees were receiving three times the assistance given to Arab refugees.

The representative of Iraq stated that it was the duty of the Assembly to compel Israel to yield for settlement by refugees territory it had occupied beyond that authorized by the General Assembly's partition plan and to implement provisions of Assembly resolutions on repatriation and compensation. He said that Israel could not legitimately claim compensation from Germany until it had complied with the obligation to pay compensation to Arab refugees.

The Secretary-General of the Arab Refugee Committee, invited by the Chairman at the suggestion of the representative of Iraq to make a statement, said that for three years, 1948, 1949 and 1950, the Committee had discussed the question of relief for refugees pending their repatriation. In 1951, however, it had added the question of resettling the refugees in the Arab countries, for which purpose it had allocated $200 million. Despite the phrase "without prejudice to their right of repatriation" this meant nothing less than their permanent exile.

He said that the rents and proceeds from the abandoned properties of the refugees were estimated at £20 million, or about $60 million a year, an amount which, if made available to the refugees by Israel, would release UNRWAPRNE from most of its responsibilities and the United States Congress from further payments.

The refugees, he said, complained of UNRWAPRNE's large international staff receiving high salaries although most of them were non-technicians and could be replaced by nationals at much lower salaries; the employment of foreign typists, secretaries, clerks, nurses and others while the unemployed nationals were starving was incomprehensible.

Turning to the rations given to the refugees, the Secretary-General of the Refugee Committee stated that they were receiving only 1,600 calories per day instead of the needed minimum of 2,200. Moreover, since the ration did not include meat or fresh vegetables, the refugee had to sell part of his flour ration to secure these, thus further reducing the calorific value of his diet to a dangerous level.

Only one third of the refugees, he said, lived in tents, the remainder living in miserable houses, mosques, caves and stables. Many of the camps were infested with insects and in most of them there were no public latrines or baths. Many of the refugees were in rags and the clothing supplied by UNRWAPRNE was what it got from philanthropic institutions. A family of eight was supplied with one blanket and a family of nine and over with two blankets. Health services were superficial, with only 75 doctors to serve 850,000 refugees. Only one half to two thirds of the children received even the most primitive education.

The Secretary-General of the Arab Refugee Committee also observed that the refugees were implacably against any form of resettlement except in Palestine. The return of every person to his fatherland, home and property, a principle decreed and guaranteed by the Universal Declaration of Human Rights, was, he said, fundamental. For the refugees, this had also been reaffirmed by the United Nations resolutions.

The representatives of Egypt, Iraq, Saudi Arabia and Yemen proposed orally that the four-Power draft resolution be modified to make $27 million rather than $23 million available for relief.

The representative of Israel, replying to some of the statements by Arab representatives, protested against the remarks of the representative of Iraq who, he said, had made a totally false and evil comparison between the alleged expulsion of the Arab refugees and the victimization of Jews by Hitler. Comments on treaty relations between Israel and the Federal Republic of Germany were also out of order, he declared. He said that the plight of Arab refugees was a direct consequence of the armed assault of Arab States on the mandated area of Palestine with the intent to frustrate the United Nations recommendation for the establishment of Israel. Therefore, neither the United Nations nor Israel could legitimately be made to bear the responsibility for the refugees; it was an essential function of the United Nations to assign this responsibility to those who had taken the initiative in using force.

Since the Arab States were responsible for the exodus of the refugees from Palestine, he stated, they should share with Israel in the efforts to help them through the three-year relief and reintegration programmes unanimously endorsed by the Assembly and concurred in by the Arab States as well as by Israel, precisely because the humanitarian problem had been isolated from its political context. He observed that, despite heavy strain on its economy aggravated by economic boycott and blockade by Arab Governments, Israel was aiding the refugees. It had acceded to the Palestine Conciliation Commission's request for the progressive release of the refugee's blocked bank deposits. It had further responded to UNRWAPRNE's request by assuming full responsibility for the welfare and complete integration into Israel of 19,000 refugees, making possible a saving for the Agency of $600,000 annually. Israel, he said, was the only country to comply with the Assembly's request to help to reduce the relief budget, despite the incredible drain on its economy caused by the absorption of some 750,000 immigrants, of whom 350,000 came from Arab countries.

The Arab policy, he continued, was to thwart the natural process of refugee integration. Given the normal affinities of the refugees for the peoples of the same language, culture and national sentiments among whom they were living, their social and economic absorption should not be difficult. Israel believed that the only just, merciful and practical solution of the refugee problem lay in resettlement in the Arab countries. The Conciliation Commission for Palestine had urged regional integration and had stated candidly that the assumption under which the Assembly had adopted its resolution of 11 December 1948 was no longer valid in the light of the real situation in the Middle East. Other countries also held this view, which, the representative of Israel considered, served to emphasize that repatriation would result in cultural conflict, economic adversity and a threat to the security of Israel.

Statements in support of the draft resolution were made by a number of representatives, including those of Argentina, Australia, Belgium, Brazil, Burma, China, Costa Rica, Cuba, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Mexico, the Netherlands and New Zealand.

The representative of Australia stated that the four-Power draft resolution might lead to a final settlement of the refugee problem and open the way to fruitful discussion of other differences between Arab States and Israel. He referred to an apparent reluctance to press on with resettlement, as well as to an attitude likely to inflate relief provisions at the expense of a more permanent solution. Should that come about, he said, it might well throw the whole programme out of balance and make it much more difficult for his country to continue to make contributions of any consequence, not because of any lack of sympathy with the plight of the refugees, but because the primary purpose would not be achieved and there would seem to be no end to it all. The representative of Australia expressed interest in a statement by the Minister of Construction and Development

of Jordan who had said, reportedly, that the economic potential of Jordan should be exploited while providing work for refugees who would then become a source of power, rather than of weakness.

The representative of Belgium suggested that UNRWAPRNE should purchase weaving equipment so that refugees could be gainfully employed and the clothing shortage met on the spot. He cautioned, however, that UNRWAPRNE should beware of glutting the labour market of the host countries and should move groups of refugees to areas where they could be more easily absorbed.

Some representatives, including those of Afghanistan, Argentina, Ethiopia, Costa Rica, Cuba, Haiti, Honduras, Liberia, Mexico, Peru and Uruguay, indicated that, while they would vote in favour of the draft resolution, their vote should not be construed to mean the willingness of their Governments to contribute to the programme.

The four-Power draft resolution was voted on at the 7th meeting of the Ad Hoc Political Committee and was adopted by 50 votes to none, with 7 abstentions.

The representative of Iraq stated that he had abstained from voting on the joint draft resolution because a document had just been brought to his notice explaining that the discriminatory policy practised against the refugees was that of a certain Power.

c. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

At its 391st plenary meeting on 6 November the General Assembly adopted without discussion the draft resolution submitted by the Ad Hoc Political Committee (A/2246) by 48 votes to none, with 6 abstentions.

In explanation of his vote, the representative of Iraq stated that he had abstained because the relief provided was inadequate to meet the sub-human conditions under which many of the refugees were living, and because the resolution would not correct those conditions. Further, his delegation felt that one of the Powers most instrumental in "causing this tragedy" viewed the refugees in a discriminatory way. It did not want them treated as human beings or as refugees of other races were treated, but recognized in their case a sub-human standard. The representative of Syria stated that repatriation was the only way to save the refugees from their moral and physical stagnation and their unprecedented misery.

The representative of Israel said that Israel had voted in favour of the resolution and would do its best to contribute to the alleviation of suffering in the area. He, however, reiterated his earlier views regarding Arab responsibility for the plight of the refugees and said that their absorption into Arab society was the best remedy for the situation. Israel had absorbed thousands of refugees from abroad and if the Arab countries had the same attitude towards their own people the current situation would never have arisen.

The resolution 614 (VII) adopted by the General Assembly read:

"The General Assembly,

"Recalling its resolutions 194 (III) of 11 December 1948, 302 (IV) of 8 December 1949, 393 (V) of 2 December 1950 and 513 (VI) of 26 January 1952,

"Having examined the report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the special joint report of the Director and the Advisory Commission of the United Nations Relief and Works Agency,

"Noting that negotiations have taken place between the Agency and governments of Near Eastern countries under the programme approved in resolution 513 (VI),

"Having in mind the goals for the reduction of relief expenditure envisaged in the three-year $US 250 million relief and reintegration programme, approved by the General Assembly in its resolution 513 (VI) without prejudice to the provisions of paragraph 11 of resolution 194 (III) or to the provisions of paragraph 4 of resolution 393 (V) relative to reintegration either by repatriation or resettlement,

"Recognizing that immediate realization of these goals has not proved possible and that increased relief expenditures are therefore required, with a resultant reduction in the reintegration funds,

"1. Authorizes the United Nations Relief and Works Agency for Palestine Refugees in the Near East to increase the budget for relief to $23 million for the fiscal year ending 30 June 1953 and to make such further adjustments as it may deem necessary to maintain adequate standards; and to adopt a budget for relief of $18 million for the fiscal year ending 30 June 1954 which shall be subject to review at the eighth session of the General Assembly;

"2. Authorizes the United Nations Relief and Works Agency to allocate funds remaining for reintegration according to time schedules deemed appropriate up to 30 June 1954;

"3. Requests that negotiations regarding contributions for the programme be carried out with Member and non-member States by the Negotiating Committee for Extra-Budgetary Funds."

D. THE QUESTION OF ERITREA [65]

On 2 December 1950 the General Assembly adopted resolution 390 A (V), recommending that the former Italian colony of Eritrea should be an autonomous unit, federated with Ethiopia under the sovereignty of the Ethiopian Crown. In 1952 the General Assembly's resolution was finally implemented.

1. Report of the United Nations Commissioner in Eritrea

The United Nations Commissioner submitted, to the seventh session of the Assembly, his final report (A/2188) dated 17 October 1952, covering the whole of his mission. This report supplemented the progress report submitted to the General Assembly at its sixth session (A/1959 and Add.l).[66]

Describing the general developments subsequent to the drafting of the progress report, the United Nations Commissioner stated that in November and December 1951 he held discussions in Geneva with a panel of legal consultants formed at his request to formulate opinions on certain general principles and legal questions which had arisen in the course of his work. These questions concerned the various problems of international and constitutional law raised by the Assembly resolution, such as the legal obligations of Members of the United Nations arising from the resolution, the delimitation of the duties of the Commissioner, the application of the resolution after the entry into force of the Federal Act and the Eritrean Constitution, the legal interpretation of the sovereignty of the Ethiopian Crown, the provisions of the Federal Act concerning human rights, and the question whether the Constitution could include provisions safeguarding institutions, traditions, religions and languages of the inhabitants of Eritrea.

In January and February 1952, the Commissioner met with a second panel of legal consultants with whose collaboration he prepared a provisional draft Constitution. This draft, the report stated, became the main subject of consultations held in March and April with the Administering Authorities and the Ethiopian Court. These consultations, the report stated, resulted in the drafting of a text, dated 22 April 1952, which was acceptable to the parties concerned.

Meanwhile, the Administering Authority, in consultation with the Commissioner, made arrangements for and convoked a Representative Assembly of Eritreans chosen by the people. The elections were carried out in two stages, with delegates first being elected to electoral colleges, according to customary methods, and then the members of the Assembly being selected by those colleges by secret ballot. In the towns of Asmara and Massawa only, direct elections were held in a single stage, by secret ballot. The elections to the Representative Assembly, the first ever held in Eritrea, took place on 25 and 26 March 1952. The results were as follows:

Unionist and Liberal Unionist parties	32
Democratic and Independent Front (Moslem League and other parties of the Front)	18
Moslem League of the Western Province	14
National Party	1
Independent Moslem League	1
Total	66

In addition, a representative from the Democratic Front and a member of the Moslem League of the Western Province were elected by second ballot (indirect election) on 12 May 1952, thus amending the foregoing figures to 19 for the Democratic Front and 15 for the Moslem League of the Western Province. Christian and Moslem representatives were equal in number.

On 28 April the Representative Assembly convened for the first time. Opening statements were delivered by the Chief Administrator, the United Nations Commissioner and the Representative of the Emperor of Ethiopia.

On 3 May the Commissioner presented the draft Constitution to the Assembly, stressing the importance of equal respect for the two fundamental principles of the General Assembly resolution: Eritrean autonomy and the sovereignty of the Ethiopian Crown. The Representative Assembly considered the draft Constitution during 40 meetings between 12 May and 10 July 1952. On 14 May it unanimously adopted article 1 concerning the adoption and ratification of the Federal Act, which consisted of paragraphs 1 to 7 inclusive of the General Assembly's resolution 390 A (V). During the next two months, each article of the draft Constitution, explained personally by the Commissioner, was considered.

Giving a detailed analysis of the discussions in the Representative Assembly, the report stated that problems relating to the Assembly itself (such

[65] For previous consideration see Y.U.N., 1948-49, pp. 256-79, Y.U.N., 1950, pp. 363-70 and Y.U.N., 1951, pp. 277-85.

[66] For summary of the report see Y.U.N., 1951, pp. 277-79

as the establishment of a single chamber, the term of four years, the arrangement of the sessions and the necessary quorum) generally did not give rise to serious difficulties. However, certain questions not dealt with, or merely touched On, during the consultations, gave rise to important discussions, e.g., the status of Eritrea; nationality (and rights of federal nationals), citizenship and the electorate; special rights of the various population groups of Eritrea; and communities with local authority.

Both in the consultations held by the Commissioner and in the proceedings of the Representative Assembly, several other questions aroused controversy, e.g., the election of the Chief Executive, the representation of the Emperor in Eritrea and the symbols of the Federation and of Eritrea.

On 2 July 1952 the Assembly adopted the article relating to the symbols of Eritrea which should be decided upon by law.

On 10 July the amended Constitution was unanimously adopted as a whole.

The Eritrean Constitution establishes a democratic form of government which might be termed as semi-presidential. The initial article is an undertaking on the part of the Eritrean people to observe faithfully the provisions of the Federal Act as laid down in General Assembly resolution 390 A (V). The Constitution defines the status of Eritrea as an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown. On the basis of reciprocity, nationals of the Federation who are not Eritrean citizens are to enjoy the same rights as Eritrean citizens. The Constitution also provides safeguards for the institutions, traditions, religions and languages of the inhabitants of Eritrea.

Under the Constitution, Eritrea has a unicameral legislature of not less than 50 and not more than 70 members elected for periods of four years by direct or indirect ballot. The Assembly votes the laws and the budget, elects the Chief Executive and supervises his activities. An Auditor-General, elected by the Assembly and independent of the Executive, examines and reports on the annual accounts.

The Constitution provides that the representative of the Emperor shall have the right to request reconsideration of Eritrean draft laws if he considers that they encroach upon federal jurisdiction or involve the international responsibility of the Federation.

Following such a request, the Assembly, after reconsideration of the draft law, may adopt it by a two-thirds majority.

The federal flag (that of Ethiopia) is to be respected in Eritrea, which is, nevertheless, to have its own flag, seal and arms.

The various population groups in Eritrea, both nationals of the Federation and foreign nationals, are to have the right to respect for their customs and their own legislation governing personal status and legal capacity. Property and other rights of real nature of the various population groups are not to be impaired by any discriminatory law.

Eritrea has an independent judiciary, judicial power being exercised by a Supreme Court whose jurisdiction includes disputes concerning the constitutionality of laws.

The Constitution can be amended by a majority of three quarters of the Assembly. Amendments not in accordance with the Federal Act cannot be introduced. They enter into effect after ratification by the Emperor.

The Constitution contains transitional provisions for the orderly transfer of power from the Administering Authority to the Government of Eritrea upon entry into effect of the Constitution.

In accordance with the provisions of paragraph 14 of resolution 390 (V), the United Nations Commissioner approved this Constitution on 6 August and transmitted the legal instrument to the Chairman of the Eritrean Assembly. On 11 August 1952 at Addis Ababa, the Emperor of Ethiopia during a formal ceremony, attended by the United Nations Commissioner, ratified the Constitution which could not enter into force, however, until the ratification of the Federal Act.

During the period between the adoption of the Constitution and its entry into effect, the Administering Authority and the United Nations Commissioner prepared and transmitted to the Executive Committee (a transitional body established by the Administering Authority under article 97 of the Constitution) the drafts of certain organic laws necessary to implement the Constitution immediately upon the transfer of powers. These included drafts for proclamation to be issued by the British Administration in Eritrea on the Administration of Justice, the Eritrean Function of Government Act, the Eritrean Electoral Act, the Eritrean Budget Act, the Eritrean Audit Act, the Eritrean Advisory Council Act and the Eritrean Civil Service Act. On 28 August, Ato Tedla Bairu was elected Chief of the Executive and Cheik Mohamed Mussa Radai, Chairman of the Eritrean Assembly.

The Federation of Eritrea with Ethiopia was formally established on 11 September 1952, when the Emperor ratified the Federal Act. On 15

September the Administering Power formally handed over the Administration to the Federal and Eritrean Governments.

On that day the Representative Assembly adopted the final design of the Eritrean flag: azure background with a green olive wreath in the centre and an olive branch in the middle of the wreath. The Ethiopian currency became effective in Eritrea on 16 September at the rate of seven Ethiopian dollars to £1 (sterling).

2. Consideration by the General Assembly at its Seventh Session

The General Assembly at its 380th plenary meeting, held on 16 October 1952, decided to include in its agenda the report of the United Nations Commissioner in Eritrea and at its 382nd meeting referred it to the Ad Hoc Political Committee, which considered it at its 40th and 41st meetings, held on 11 and 12 December 1952.

The Chairman of the Ad Hoc Political Committee invited the United Nations Commissioner in Eritrea to make a statement. The representative of Italy, who had submitted to the Secretary-General a request (A/AC.61/L.4) to take part in the discussion on the item, was also invited to participate in the discussion.

In his statement, the United Nations Commissioner underlined the importance of resolution 390 (V) by which the General Assembly had solved the deadlocked Eritrean problem. The implementation of that resolution, he said, had raised racial, linguistic and religious problems which had been increased by the very divergent programmes of the political parties. However, the establishment of the Federation, recommended by the United Nations, had satisfied both those in favour of union with Ethiopia and those in favour of independence. The resolution of December 1950, he observed, was a new type of decision in the history of the United Nations. For the first time, the Assembly had appointed a Commissioner who was responsible for ensuring that the resolution was carried out without the assistance of a council composed of Member States. For the first time, too, the General Assembly had drawn up the statute for a federation and had laid down the principles on which the Constitution of one of the members of that federation should rest.

The United Nations Commissioner paid a tribute to the sincere desire for co-operation displayed by the governments concerned and the goodwill and respect for the Assembly's decisions shown by the inhabitants of Eritrea.

The Commissioner then described his successive consultations with the Administering Authority, with the Government of Ethiopia and with the Eritrean population.

Since he had had differences of opinion with the governments concerned and various population groups concerning the interpretation of certain fundamental principles of the General Assembly's resolution, the Commissioner had decided to seek the opinion of a Panel of Legal Consultants appointed by the Secretary-General (see above).

Legal consultants had also helped him in drafting an Eritrean Constitution, in which the suggestions of the Ethiopian Government and the British Administration were taken into account without sacrificing the unity of the draft or the essential elements of the Assembly's resolution. For its part, the Eritrean Assembly had made a detailed study of the draft Constitution and several amendments had been adopted which had improved the text. All the articles of the draft Constitution had been adopted by the Eritrean Assembly by more than a two-thirds majority and the chapter on human rights had been adopted by acclamation. The Constitution as a whole had been approved unanimously.

The United Nations Commissioner pointed out that in the economic field Eritrea would have to continue receiving the assistance afforded it in the past. That was a great responsibility which the Federal Government would have to discharge fairly and with respect for Eritrean autonomy, since without economic and financial autonomy political and legal autonomy could become illusory.

The Commissioner emphasized the confidence shown in the Ethiopian Government by the United Nations. The Ethiopian Government had freely assumed, especially in the international sphere, heavy responsibilities, one of the most important of which was the maintenance of the Federation's integrity, which might be threatened either by a secession movement or by annexation to Ethiopia. The United Nations Commissioner concluded by paying tribute to the Eritrean people who, by accepting the General Assembly's resolution, had forgotten the disputes of the past to turn to the future in a spirit of co-operation and fraternity. The Federation of Eritrea and Ethiopia under the Ethiopian Crown had, he announced, become a reality on 15 September 1952.

Presenting his Government's report (A/2233) on its administration of Eritrea for the period from December 1950 to September 1952, the representative of the United Kingdom described the difficulties which the British Government had

faced in carrying out its responsibilities under the Assembly's resolution. The people of Eritrea, he said, had been divided into three rival groups, one advocating union with Ethiopia, the second independence and the third partition. No group had suggested federation. The fact that the various factions had finally become reconciled and had accepted the federal solution was evidence of the good sense and understanding of the people of Eritrea. Nevertheless, political and racial cleavage was too deep-rooted to disappear completely. Inexpert handling of political affairs or revival of intolerance could restore hostility and once again divide the countries.

The British Administration had next had to give special attention to the problem of security and had taken action to eliminate the menace of organized bandit groups known as Shiftas. It considered its handling of the Shifta problem as one of its most important achievements.

While, under resolution 390(V), the preparation of the Eritrean Constitution was the primary responsibility of the United Nations Commissioner, initiative in all other matters had rested with the British Administration, especially for the organization of an Eritrean Administration and the convocation of a Representative Assembly of Eritreans. A simplification of the administrative machinery and special methods of recruitment and training had made it possible to obtain an Administration consisting 96 per cent of Eritreans. The new Administration would obviously be inexperienced for some time, but the presence of foreign advisers and technicians would assist it in making necessary progress. To convoke a Representative Assembly of Eritreans, the British Administration had organized general free elections throughout the territory. This was the first time in Eritrean history that a general election had been held. The voters had gone to the polls enthusiastically and the Assembly might be regarded as truly representative of the people. The equal distribution of seats between Christians and Moslems had caused all fears of supremacy of one group to disappear.

As to public finance, the United Kingdom representative said, the British Administration had left Eritrea a balanced budget. Such a budget was absolutely necessary in order to ensure the independence of the new government. But the financial and economic resources of the country were limited and Eritrea hoped to be able to obtain Point Four aid from the United States and assistance from the United Nations specialized agencies. The representative of the United Kingdom underlined that the economic needs of Eritrea required careful study. If it were not federated with Ethiopia, Eritrea would not be economically viable. The effect of any measure in the economic field would need to be watched by the Federal Authorities as well as by the Eritrean Government since economic difficulties could bring political trouble. In conclusion, he stated that the federal solution might or might not be ideal, but it had been accepted by the people of Eritrea and had brought about unity in the country. The Federation had come into being in an excellent atmosphere. He expressed his Government's wish that Eritrea would achieve happiness and prosperity under the wise guidance of the Emperor.

The Foreign Minister of Ethiopia expressed, on behalf of his sovereign and of the Ethiopian and Eritrean peoples, the satisfaction with which they had greeted the entry into force of the Federation of Eritrea. He congratulated all those who had participated in this great achievement. He emphasized, however, that without the personal intervention of the Emperor of Ethiopia and the sacrifices made by that country, the Federation of Eritrea and Ethiopia could never have been achieved. It had been necessary to prepare the populations to accept the federal solution proposed by the Assembly; close co-operation had been achieved between the United Nations Commissioner and the Ethiopian Government on this question and the Emperor of Ethiopia, himself, had appealed directly to the people to support unreservedly the idea of federation. The Eritrean Constitution, the Ethiopian representative stated, had to respect Eritrean independence strictly, while allowing for the responsibilities that the Ethiopian Government was to assume with regard to Federal services. In every respect, the Ethiopian Government wished to promote the well-being of Eritrea in full accordance with the provisions of the Federal Act. It had already demonstrated its desire to see minority parties participate in the executive; it had urged the protection of human rights by the Constitution and expressed its wish that all Eritreans should enjoy all the privileges of Ethiopian citizens with no obligations other than those resulting from the Federation. The Ethiopian Government had supplied the Eritrean Government unconditionally with the working capital it needed and made it a gift of considerable stocks of equipment. The Federation was prepared to ensure the balance of payments in Eritrea which had always shown a deficit. As for foreign enterprises, especially Italian enterprises, the Ethiopian Government intended that they should be enabled to continue their useful work under the federal system. The Italians were welcome in the

Federation as friends. The representative of Ethiopia stated in conclusion that peace and security were now ensured in East Africa. He felt sure that all the inhabitants of Eritrea and Ethiopia would, under the liberal and enlightened guidance of the Emperor, march together along the path of peace and progress.

The representative of Italy thanked the Committee for the opportunity he had been given to express his Government's appraisal of a particularly important United Nations achievement. The Italian Government was sure that the system of federation was the only solution which could ensure close association between Ethiopia and Eritrea, while safeguarding the ethnic and social characteristics and economic interests of the two countries. It had therefore given its full and unreserved support to the principle of federation. Long years of association between Italy and Eritrea had created lasting ties between those countries. The Italian Government wished to see the Italians in Eritrea play an effective part in the Federation as an element of friendship and cooperation between Italy and Ethiopia. In that connexion, he had noted with satisfaction the formal assurances given by the Ethiopian representative concerning the Italian community in Eritrea and its economic activity. It was obvious that certain questions raised by the new federal structure still remained to be solved. For instance, the economic structure of Eritrea had entered a delicate phase as a result of its union with Ethiopia. The Italian Government therefore hoped that the United Nations and its specialized agencies would give Eritrea the financial and technical assistance it required.

The representative of the United States introduced a joint draft resolution (A/AC.61/L.34), sponsored by Brazil, Burma, Canada, Denmark, Ecuador, Greece, Liberia, Mexico, Panama, Paraguay, Peru, Turkey and the United States, welcoming the establishment of the Federation of Eritrea with Ethiopia under the sovereignty of the Ethiopian Crown and congratulating the people and governmental authorities of the Federation for the effective and loyal fulfilment of the General Assembly's resolution 390 A (V).

At the 41st meeting on 12 December 1952, the representatives of Afghanistan, Argentina, Australia, Belgium, Brazil, Burma, China, Chile, Cuba, the Dominican Republic, Egypt, El Salvador, France, Greece, India, Israel, Liberia, the Netherlands, New Zealand, Nicaragua, Pakistan, Panama, the Philippines, the Union of South Africa and Uruguay spoke in favour of the joint draft resolution, which was adopted by 52 votes to none, with 5 abstentions. At its 404th plenary meeting on 17 December 1952, the General Assembly adopted, without debate, by 51 votes to none, with 5 abstentions, the draft resolution recommended by the Ad Hoc Political Committee in its report (A/2313).

The resolution (617 (VII)) read:

"The General Assembly,

"Recalling its resolution 390 A (V) of 2 December 1950, providing that Eritrea be constituted an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown,

"Having noted the adoption and ratification of the Eritrean Constitution and the ratification of the Federal Act embodying the provisions contained in paragraphs 1-7 inclusive of that resolution,

"Having noted that the conditions laid down in paragraph 13 of resolution 390 A (V) of 2 December 1950 have been fulfilled, and that on 11 September 1952 the Federation of Eritrea with Ethiopia was proclaimed,

"Noting further the final report of the United Nations Commissioner in Eritrea of 17 October 1952 and the report of the Administering Authority of 27 October 1952,

"Noting with appreciation the part played by the United Nations Commissioner and the former Administering Authority in Eritrea in preparing Eritrea to take its place in the Federation,

"Noting also with satisfaction the contribution made by Ethiopia to the establishment of the Federation and Ethiopia's expression of determination scrupulously to execute the provisions of the Federal Act,

"1. Welcomes the establishment of the Federation of Eritrea with Ethiopia under the sovereignty of the Ethiopian Crown;

"2. Congratulates the people and governmental authorities of the Federation for their effective and loyal fulfilment of resolution 390 A (V) of the General Assembly of 2 December 1950."

E. THE TUNISIAN QUESTION

1. Consideration by the Security Council

On 31 March 1952, at the request of Pakistan, communications from the Tunisian Government were circulated as a Security Council document (S/2571).

In the first, dated 12 January 1952, the Prime Minister of Tunisia stated that the domestic sovereignly of the Bey had been maintained intact under the Treaty of Bardo of 1881, by which the French Government had been au-

thorized provisionally to occupy certain points in Tunisia. The French authorities, however, had established a system of direct administration in Tunisia which had led to constant unrest. To remedy that state of affairs, the French Government had undertaken to abandon direct administration and to permit the development of Tunisian political institutions to the point of internal autonomy. On that basis, the Bey had entrusted the Prime Minister, in August 1950, with the task of forming a "Ministry for negotiations to lead Tunisia to internal autonomy". After long and difficult negotiations it had become apparent, the communication stated, that the position of the French Government, including insistence on the participation of French citizens in Tunisia, a foreign colony, in that country's political institutions, was contrary to the Treaty of Bardo.

The Tunisian Government considered that the situation created a dispute which it had proved impossible to settle by direct negotiation and felt that the attitude of the French Government was likely to prejudice the development of "friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples", as provided for in Article 1, paragraph 2, of the Charter. It had, therefore, brought the dispute before the Security Council in accordance with Article 35,[67] paragraph 2, which provides that non-member States may bring before the Council disputes to which they are parties provided they accept for the purposes of the dispute the obligations of pacific settlement provided in the Charter.

Subsequent communications (S/2571) of the Tunisian representatives stated, among other things, that the French authorities had exerted pressure on the Tunisian sovereign to disavow his Government's approach to the Council; that there had been serious incidents marked by death and injuries; and that the French authorities were arbitrarily arresting political leaders in order to stifle the aspirations of the Tunisian people.

In letters dated 2 April 1952 (S/2574-S/2584), Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Pakistan, the Philippines, Saudi Arabia and Yemen brought the situation in Tunisia to the attention of the Security Council under Article 35, paragraph 1, of the Charter. They stated that, since the Tunisian application of 12 January, the Prime Minister and other Ministers of the Tunisian Government had been arrested and the deteriorating situation was seriously endangering the maintenance of international peace and security, thereby falling within the scope of Article 34 of the Charter.[68] Accordingly, they requested the Council to consider the matter urgently.

The representatives of these countries, except Burma and Pakistan, requested that they be called upon, in accordance with the rules of procedure, to participate in the discussion. Explanatory notes submitted with those letters reviewed relations between Tunisia and France and stated that the French Government's violation of the 1881 Treaty had deprived the people of Tunisia of their right to self-government and self-determination. The notes stated that in Asian and African countries it was keenly felt that the domination of weak nations by colonial Powers had no moral justification and was contrary to the spirit of the times.

At its 574th, 575th and 576th meetings on 4, 10 and 14 April the Security Council considered the question of including the item in the agenda.

The representative of France said that the Tunisian application of 12 January was not receivable under the Charter and was invalid because the Bey's seal had not been attached. Moreover, if the governments which had been approached by the representatives of Tunisia had made it clear that they could not take cognizance of a matter which did not threaten their own security or peace in general, the French and Tunisian authorities would more quickly have found a common ground for the necessary agreements. Several weeks previously it might have been argued that there was a domestic dispute, not between France and Tunisia, but between the Residency General and certain Ministers. Following the agreement between the Bey and the Resident General, however, the Council could only note that any situation or dispute that might have existed had disappeared. The only thing which could reopen the matter would be a decision by the Council implying that the problem still existed.

The representative of France said that the Resident General's decision concerning the former Ministers had been based primarily on the need to ensure, in his conversations with the Bey, an atmosphere without constraint. The higher French responsibilities under the Regency had been exercised because it was impossible to leave

[67] For text of Article 35, see p. 13.

[68] Article 34 provides for investigation by the Council of disputes and situations to determine whether their continuance is likely to endanger international peace and security. Article 35, paragraph 1, provides that any United Nations Member may bring such disputes and situations before the Council.

in power men who for several months had paralysed the entire administrative machine through inefficiency and by encouraging every kind of breach of the peace. France had displayed its goodwill, constructive desire for conciliation and sincerity. The plan of reforms which had been presented to the Bey went beyond all the legitimate aspirations of Tunisian nationalism and did not bring into question the Bey's sovereignty. It provided for the establishment of assemblies representing all the interests in the country and sought, through freely conducted negotiations, to reconcile continued French co-operation with the necessary growth of the Tunisian people's participation in and responsibility for the conduct of its own affairs. The Bey had given his consent to the programme of negotiations and reforms and had instructed an independent and respected person to form a new government. The calm situation in Tunisia proved that the people had heeded the Bey's appeal that they should follow the new path which had been opened to them, in peace and with respect for public order.

The representative of France added that the eleven Powers had chosen to disregard the existing situation and had presented a sketchy, inaccurate and tendentious picture of the past, reducing their communications to the status of a propaganda instrument.

The President of the Council, speaking as the representative of Pakistan, protested against that charge. He pointed out that article 2 of the Treaty of 1881 provided that French military occupation would cease when the French and Tunisian authorities had agreed that the local administration was able to maintain order. Since that time, he stated, the protectorate had gradually deprived a free country of its freedom. A policy of peopling Tunisia with French settlers had been pursued and the best land had passed into the hands of colonists. The Tunisian nationalist movement, which had become increasingly dynamic in the twentieth century, had met with the opposition of foreign vested interests and the short-sighted use of force by the colonial Power. The hopes created by the reforms of 1950 had been completely destroyed by French vested interests in Tunisia. The Tunisian Cabinet, which had been formed to negotiate with the French Government for the restoration of Tunisian autonomy, had been made ineffectual by the intrigues of French settlers and by interference in the day-to-day work of the Tunisian Ministers.

On 15 January 1952, the representative of Pakistan continued, after the submission of the Tunisian application to the Security Council, the Resident General had demanded that the complaint should be withdrawn, that the Cabinet should be changed and that the Resident General should be appointed as Minister for Foreign Affairs and General Garbay as Minister of Defence. On being instructed by the Bey to reply, the Prime Minister had stated that he had been authorized by the Bey to bring the complaint to the United Nations. On 24 March the Resident General had informed the Bey that the French Government was prepared to resume negotiations, on condition that the Cabinet would be dismissed and the complaint withdrawn. When the Bey had refused, the Resident General had produced a document signed by the Minister for Foreign Affairs for France, giving him full powers to re-establish law and order and to protect French interests. The Bey had cabled the President of the French Republic, drawing attention to the pressure exerted by the Resident General and demanding his recall. That night hundreds of persons, including the Tunisian Prime Minister and other Ministers, had been arrested, all nationalist newspapers had been suppressed, martial law had been applied and the Bey's palace had been surrounded by troops. After a private interview the following morning, the Resident General had declared that the Bey had consented that a decree be issued in the Bey's name. A new Prime Minister had been appointed who had no very great following and, up to that time, had not been able to form a Cabinet.

The eleven Powers, the representative of Pakistan stated, were not making any extreme demands, but simply asking the Security Council to discuss the question. Failure to include the item in the agenda would lay the foundations for the suppression of free discussion in the United Nations.

The representative of France, in reply, stated that the representative of Pakistan had dealt with a number of questions irrelevant to the consideration of the agenda and that his comments on France's achievements in Tunisia had been partial, unjust and inaccurate.

The representative of the United Kingdom considered that a satisfactory solution of the problem was likely to result only from peaceful negotiations between France and Tunisia, which should be continued. The new Prime Minister was a highly respected figure in Tunisia; the Bey was prepared to negotiate and the French Government had made concrete suggestions for a plan of reform which would lead Tunisia towards

internal autonomy. He doubted if discussions in the Security Council could assist a peaceful solution and avoid further inflaming passions. Moreover, the matter appeared to fall within France's domestic jurisdiction and the Council was therefore barred from intervening by Article 2, paragraph 7, of the Charter. For these reasons, he said, he would vote against the adoption of the agenda.

The representatives of Greece, the Netherlands, Turkey and the United States said that they would abstain when the provisional agenda was put to the vote. While endorsing the principle that it was the task of the Council to examine situations which might lead to intefnational friction, they stressed that there were still possibilities that the parties might by direct negotiations reach a fair agreement and that it would be better that such negotiations should be continued than that debates should be held in the Council which might make those negotiations more difficult. The representatives of the Netherlands and Turkey reserved their position on the question of the Council's competence.

The representative of the United States said that, while his Government had always considered that the organs of the United Nations should be available for examining any problems which caused serious friction in international relations, under the Charter the parties to a controversy were obliged first to seek a solution by negotiation. The United States did not wish to pass judgment upon the most recent developments in Tunisia; however, it could not condone the use of force by either party. The French programme appeared to constitute a basis for resumption of negotiations for the establishment of home rule in Tunisia, and it was fervently hoped that France would bring about far-sighted and genuine reforms. So that, without dealing with the question of the Council's competence, he would abstain on the question of including the item in the agenda. His Government would reassess the situation if a Member again brought the question before the Council.

The representatives of Brazil, Chile, China and the USSR considered that the item should be included in the Council's agenda. The first three of these representatives supported the inclusion of the item without prejudice to the merits of the case or to the Council's competence. They emphasized the number and importance of the countries which regarded the situation as a danger to peace and felt that this in itself deserved the Council's attention. Rejection of the request of the eleven Powers, it was stated, would be a denial of justice and would accentuate divisions based on differences of race and economic and social development. It might have an unfavourable effect in Tunisia and throughout Asia and Africa.

The representative of Brazil considered that it might be preferable to postpone consideration of the item after its inclusion in the agenda, since the parties had not yet exhausted peaceful means for settling the dispute. The representative of China said that if the agenda could not be adopted the second best course would be to postpone a decision on its adoption.

The representative of the USSR said that Tunisia was a Non-Self-Governing Territory in regard to which France had the obligation, under Article 73 of the Charter, to promote to the utmost the well-being of the inhabitants, to develop self-government and to assist in the progressive development of free political institutions. The appeal of the eleven Powers had indicated that the French Government, by pursuing an undemocratic policy in Tunisia and by repressing the national liberation movement, had created a situation endangering the maintenance of international peace and security. It was the duty of the Security Council to investigate the situation, to hear both sides, and to take the necessary action. However, the representatives of France and the United Kingdom opposed the inclusion of the question in the Council's agenda and the United States representative, who had stated his intention of abstaining, would in effect be voting against the item's inclusion since his abstention would make it impossible to muster the seven necessary votes. These three representatives were, thus, not only opposed to a just settlement of the Tunisian question but did not even want to discuss the matter in the Council, despite the request submitted by eleven States and supported by a number of Council members. That was a reflection of the imperialist policy of the colonial Powers towards dependent countries and showed once again to the peoples of the world, and above all to those of Asia and Africa, that the ruling circles in the United States, the United Kingdom and France were trampling on the legitimate rights of Members of the United Nations and were attempting to convert the Organization into an instrument of aggressive policy and to use it to suppress national liberation movements in colonial and dependent countries. He supported the appeal of the eleven States and considered that all of them which had so requested should be allowed to address the Council.

On 10 April, the President informed the Council that he had received letters from the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, the Philippines, Saudi Arabia and Yemen rejecting the French representative's allegations concerning their intentions and motives in sponsoring the Tunisian case. Those representatives, with the exception of Burma, hoped that the Council would permit them to reply to the charges.

On 14 April, Pakistan submitted a draft resolution (S/2598) providing that the Security Council should invite those representatives to take part in the proceedings of the Council for that purpose.

At the same meeting, the representative of Chile stated that it appeared that there would not be seven votes in favour of including the Tunisian question in the agenda. His delegation could not reconcile itself to that situation without making a last effort to safeguard the principles of freedom of discussion and equal rights for all Member States. Accordingly, he submitted a draft resolution (S/2600) by which the Council would: (1) include the eleven communications of 2 April in its agenda, on the understanding that such action would not imply any decision regarding the Council's competence to consider the substance of the question; and (2) postpone consideration of those communications. The representative of Chile expressed confidence that if, after a reasonable period of time, it became obvious that the situation had improved or was about to improve, the eleven Powers would not insist on the Council taking up the matter. They would ask for immediate consideration only if some new development made intervention by the United Nations a matter of urgency.

The draft resolution by Pakistan, the Chilean draft resolution and the provisional agenda were put to the vote on 14 April. Each received 5 votes in favour, 2 against (France, United Kingdom) and 4 abstentions (Greece, Netherlands, Turkey, United States). Having failed to obtain the requisite majority, the draft resolutions and the provisional agenda were not adopted.

2. Request for a Special Session of the General Assembly

By a letter dated 20 June 1952 (A/2137), addressed to the Secretary-General, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen called attention to the continuing gravity of the situation in Tunisia and requested that a special session of the General Assembly be summoned. They pointed out that, since the Security Council had refused to admit the Tunisian question to its agenda, the Assembly was competent to consider the matter under Article 11, paragraph 2, of the Charter as a question relating to the maintenance of international peace and security.

In an accompanying explanatory memorandum, it was stated that, after the discussion in the Security Council in April 1952, civil liberties had not been restored and the expected negotiations had not materialized, because the acknowledged representatives of the Tunisian people were in prison or exile and the Bey was virtually a prisoner. It appeared, said the communication, that the French authorities, having failed to negotiate even with a Tunisian government of their own contrivance, were proposing to impose dubious reforms of their choice on the Tunisian people, and to back their implementation with military force. Since the friendly relations that could have existed between the French and the Tunisians were rapidly being destroyed, urgent consideration of the question was necessary.

On 20 June, in accordance with the Assembly's rules of procedure, the Secretary-General informed the other Members of the United Nations of the request for a special session and inquired whether they concurred in it. By 20 July, ten States (Bolivia, the Byelorussian SSR, China, Czechoslovakia, El Salvador, Guatemala, Poland, the Ukrainian SSR, the USSR and Yugoslavia) had given affirmative replies, so that the number of Members in favour of holding a special session was 23. Negative replies were received from 27 States (Australia, Belgium, Brazil, Canada, Colombia, Costa Rica, Cuba, Denmark, Ecuador, France, Greece, Haiti, Honduras, Iceland, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Sweden, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay). Two members (Ethiopia and Thailand) stated that they wished to abstain on the question. Accordingly, no special session was convened, since the required majority had not been obtained.

3. Consideration by the General Assembly at its Seventh Session

By a letter (A/2152), dated 30 July 1952, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen requested that the Tunisian question be included in the provisional

agenda of the seventh session of the General Assembly.

An accompanying explanatory memorandum stated that, as the situation in Tunisia continued to be serious, the question was being referred to the Assembly, in order that a just and peaceful settlement might be achieved.

When the General Committee considered the agenda of the seventh session, at its 79th meeting on 15 October, the representative of France protested against the accusations against France. He declared that his Government found the interference of the United Nations in matters which were exclusively within France's national jurisdiction wholly unacceptable and, accordingly, he would not take part in any discussion or in any vote on the inclusion of the item. The General Committee decided, without vote, to recommend that the Tunisian question be included in the agenda.

At its 380th plenary meeting on 16 October the Assembly decided to include the Tunisian question in the agenda of the seventh session and subsequently referred it to the First Committee.

During the opening general debate of the Assembly's seventh session, at the 392nd plenary meeting on 10 November 1952, the Minister for Foreign Affairs for France made a statement concerning both Tunisia and Morocco.[69] With respect to Tunisia, he said that the United Nations was excluded from discussing the question by the treaties between France and Tunisia and by the provisions of the United Nations Charter. The treaties, concluded between sovereign States, provided that the foreign relations of Tunisia could be conducted only within the framework provided for in the treaties, namely, through France. They also provided that reforms in Tunisia were to be effected in close and exclusive co-operation with France and on the initiative of France. The United Nations had not been given competence to revise treaties.

Furthermore, Article 2, paragraph 7, of the Charter provided that nothing contained in the Charter should authorize the United Nations to intervene in matters essentially within the domestic jurisdiction of any State or should require the Members to submit such matters to settlement under the Charter. The proviso contained in this Article—that the principle should not prejudice the application of enforcement measures under Chapter VII—was not applicable, since it could not reasonably be claimed that the situation in North Africa threatened international peace. Moreover, if the General Assembly were given competence to deal with every matter referred to it, the country in which criticism was free and agitation easy would be more readily indicted than a country in which opposition was impossible. The Organization would, further, be overwhelmed by the weight of its responsibilities or by a storm of sterile recrimination.

The Minister for Foreign Affairs for France analysed the reciprocal rights and duties arising from the Treaty of Bardo of 1881 and the Convention of La Marsa of 1883. It was intended that any inequality arising from the difference of means and resources should progressively disappear, thus making room for a true partnership. He described the situation in Tunisia when the treaties were signed, and the advantages which Tunisia had derived from association with France. Tunisia had been transformed into a true State and had been helped in building up administrative bodies and public services adapted to modern requirements. Economic conditions had been greatly improved by such measures as the reorganization of the land tenure system, the modernization of agriculture, reafforestation, water conservation, the development of hydroelectric power and the construction of ports and roads. These achievements had not been made only for the benefit of the French. For instance, 90 per cent of the farm land was owned by Tunisians. The indigenous population of Tunisia had trebled since 1880. The health conditions of the people had been greatly improved and a developing social legislation, modelled directly on that of France, was being put into effect. The technical and financial contributions of France had been decisive in developing mineral resources and establishing new industries. Educational facilities were being extended yearly, although in this field it had been necessary to start virtually from nothing.

France had undertaken the task of education and democratic initiation, as provided in the treaties, and was responsible for completing that task. Considerable strides had been made; others of even greater importance, were being prepared, and France was ready to discuss them with properly authorized representatives. It was, however, for France to determine the stages and pace of evolution in Tunisia. How could the United Nations, he asked, quite apart from legal considerations, define what reforms should be undertaken, by what stages and through what institutions? The political problem consisted basically of how to ensure for the future that the various elements of the population, each essential to the

[69] See also under The Question of Morocco.

life of the country, should be able to live and work together in peace and friendship. France would not allow herself to be ousted; the French Constitution stated that France would guide the peoples for whom it had assumed responsibility towards the freedom to govern themselves. With that objective, France had proposed reforms leading to internal self-government and extensive participation by the Tunisians in public affairs. As the reforms were tested, France would gradually give up her powers under the treaties. Although, unfortunately, some elements in Tunisia had preferred violence and intimidation to free understanding, it was not possible to give way to such methods.

The French Minister for Foreign Affairs said that it would be a serious mistake if territories still imperfectly developed were set up as independent States before they were able to meet the heavy responsibilities which that would imply. Premature independence would imperil the legitimate interests of France and of others, which France had undertaken to safeguard, as well as the further development of those territories. France was compelled to warn the Assembly against the consequences of interference. The Government of France could agree to discuss neither the principle nor the manner of such interference.

a. DISCUSSION IN THE FIRST COMMITTEE

The First Committee considered the Tunisian question at its 537th to 546th meetings, from 4 to 12 December 1952.

By a letter (A/C1/737) dated 4 December, the representative of France informed the Chairman of the Committee that his delegation would be unable to participate in the discussion of the item. At the 537th meeting on 4 December, the representative of Iraq proposed that the Committee appeal to the representative of France to attend. The Chairman stated that he would transmit that appeal.

At the 541st meeting on 9 December, the representative of Pakistan submitted a proposal which, after revision (A/C.1/L.9), provided that the First Committee should: (1) express its regret at the absence of the French delegation and appeal to the Government of France to reconsider its decision; and (2) decide that the Bey of Tunis should be invited to depute his representative to participate in the debates, without the right of vote. At the 542nd meeting on 10 December, the Committee adopted the first paragraph of the Pakistan proposal by a roll-call vote of 19 to 16, with 22 abstentions. The second paragraph was rejected by a roll-call vote of 26 to 24, with 7 abstentions. It was then pointed out that the draft resolution constituted a whole, and that those who had voted in favour of the first part had done so in the hope that the second part would also be adopted. Accordingly, it was felt that a vote should be taken on the draft resolution as a whole. The resolution, minus the second paragraph, was then rejected by roll-call vote of 21 to 2, with 34 abstentions.

Two draft resolutions (A/C.1/736 and A/C.1/L.8) relating to further negotiations between the parties were presented to the Committee.

The first (A/C.1/736), submitted at the 537th meeting on 4 December by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen, recalled the three applications of the Arab-Asian Powers to the United Nations to consider the question.

The remainder of this draft resolution would have the General Assembly, inter alia:

(1) refer to the Charter provisions concerning the equal rights of large and small nations and the development of friendly relations based on respect for the principle of equal rights and self-determination of peoples; (2) state that the continuance of the Tunisian situation was detrimental to those rights and purposes and also endangered international peace and security; (3) recall that Members shall refrain in their international relations from the threat or use of force; (4) urge France to establish normal conditions and civil liberties in Tunisia; and (5) recommend the renewal of negotiations between France and "true representatives" of the Tunisian people for the purpose of implementing the right of self-determination and the fulfilment of the national aspirations of the Tunisian people. The draft further proposed that the Assembly establish a commission of good offices to arrange and assist in the negotiations, ask the commission to report on progress and invite all concerned to give it their full co-operation. The Assembly would also decide to include the item in the agenda of its eighth session.

The second draft resolution (A/C.1/L.8) was submitted at the 539th meeting of the First Committee on 8 December by Brazil, Costa Rica, Cuba, Ecuador, Honduras, Panama, Paraguay, Peru, Nicaragua, Uruguay and Venezuela. It would, inter alia, have the Assembly:

(1) refer to the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; (2) state that the United Nations as a centre for harmonizing the actions of nations in the attainment of their common ends under the Charter should strive towards removing causes and factors of misunderstanding among its Members; (3) express confidence that France would endeavour to further the effective development of the free institutions of the Tunisian people in pursuance of its proclaimed policies and in conformity with the Charter; (4) express the hope that the parties would continue negotiations on an urgent basis with a view

to bringing about Tunisian self-government in line with Charter provisions; and (5) appeal to the parties to conduct their disputes in accordance with the spirit of the Charter and refrain from measures likely to aggravate the current tension. (For text of resolution, as adopted, see below.)

The positions taken by the representatives participating in the debate fell, broadly speaking, into three main groups.

The first group, consisting of the representatives of Australia, Belgium, Luxembourg, the Netherlands, the Union of South Africa and the United Kingdom, questioned the competence of the General Assembly. Most of them argued that the Assembly was not competent to discuss the question; the Netherlands representative, however, considered that since the item had been admitted to the agenda the Committee might discuss it although he doubted whether the Assembly was entitled to intervene with particular political recommendations or particular executive actions.

Neither Tunisia nor the United Nations, these representatives considered, had ever objected to the action of the French Government in transmitting information to the Secretary-General in accordance with Article 73 of the United Nations Charter. Therefore the United Nations had consistently recognized the international status of Tunisia arising from valid treaties between Tunisia and France. Whether Tunisia was a sovereign State made no difference; the sovereignty was limited precisely by the treaty, which removed the relations between the two States from the international plane. What the authors of the first joint draft resolution (A/C.1/736) really recommended was revision of the treaties between France and Tunisia. The Charter of the United Nations, however, unlike the Covenant of the League of Nations, contained no provision giving that power. No organ of the United Nations could go beyond the limits of the authority which it derived from the specific provisions of the Charter. That principle had been confirmed in the advisory opinion (A/597) given by the International Court of Justice on 28 May 1948 concerning the conditions of admission of a State to membership in the United Nations.[70]

Accordingly, these representatives held, the matter came within Article 2, paragraph 7, of the United Nations Charter which provides for the non-intervention of the Organization in matters "essentially" within the domestic jurisdiction of any State. The mere fact that a question was of international concern did not remove it from the sphere of domestic jurisdiction; for example, a country's trading and commercial policies, although of great international concern, remained within its domestic jurisdiction except in so far as they were governed by specific treaties. It was also emphasized that the word "essentially" could not be interpreted as "solely", a proposal to substitute "solely" having been defeated at the San Francisco Conference. Therefore it could not be argued that a matter ceased to be essentially within the domestic jurisdiction of a State because some of its aspects were within the domestic jurisdiction of another State. Further the word "domestic", as used in international law, referred to matters within a State's jurisdiction, whether exercised in relation to matters inside or outside its territory.

The situation in Tunisia, these representatives considered, did not threaten international peace and security, and therefore the proviso contained in Article 2, paragraph 7, that the principle of non-intervention should not prejudice the application of enforcement measures under Chapter VII of the Charter, did not apply. Had this proviso applied, it would, in any case, have excluded action by the General Assembly as distinct from the Security Council. It was inadmissible, in view of the provisions of Article 2, paragraph 7, to rely on Article 73 or the human rights provisions of the Charter to establish jurisdiction. Further, Article 73 did not confer on the United Nations any supervisory powers in relation to Non-Self-Governing Territories within the provisions of Chapter XI of the Charter; it merely contained a declaration by certain Powers that they would strive to attain certain objectives.

Practical considerations also made it inadvisable for the Assembly to attempt to deal with the Tunisian question, these representatives felt. If the true meaning of the words of the Charter were ignored in order to deal with a dispute which attracted the concern and interest of the Assembly, it was certain that in the future the Charter would be exploited for purposes which would defeat the principles on which it was based. Care should also be taken to avoid endangering the common larger interests of the democratic countries. Furthermore, the Assembly could not enforce decisions. If its recommendations were meant to exert a moral influence, they should reflect the feelings of the greatest possible majority. When the Assembly's competence, or its extent, was seriously contested by one of the parties and by a number of Members, it was necessary to consider whether intervention would not merely fan the flames of unrest and encourage extremism and uncompromising attitudes. The prospect of United Nations intervention had already caused regrettable incidents and ham-

[70] See Y.U.N., 1947-48, p. 797.

pered negotiations in Tunisia and an attempt by the United Nations to intervene and to indicate the procedures to be followed could not facilitate a solution of the problem, these representatives maintained. They were accordingly against the adoption of any resolution by the General Assembly; they opposed the first draft resolution and opposed or abstained on the second.

Representatives in both the other groups, however, considered that the General Assembly should adopt a resolution on the Tunisian question.

The representatives of Afghanistan, Burma, the Byelorussian SSR, China, Czechoslovakia, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Liberia, Mexico, Pakistan, the Philippines, Poland, Saudi Arabia, Syria, the Ukrainian SSR, the USSR, Yemen and Yugoslavia supported the first draft resolution. Although most of them expressed a preference for this draft, after its rejection (see below) they all, except the representatives of the Byelorussian SSR, Czechoslovakia, Guatemala, Poland, the Ukrainian SSR and the USSR, voted in favour of the second joint draft resolution.

The third group, consisting of the representatives of Bolivia, Brazil, Canada, Cuba, the Dominican Republic, Greece, Haiti, Israel, New Zealand, Norway, Paraguay, Peru, Sweden, Turkey, the United States, Uruguay and Venezuela supported the second draft resolution. They voted against or abstained from voting on the first joint draft resolution, some of them considering that it exceeded the Assembly's competence.

In reply to the argument that the competence of the United Nations was excluded by the treaties between France and Tunisia, representatives in these two groups considered that the right of peoples to self-determination was established in Article 1, paragraphs 2 and 4, of the Charter. Under Article 103, obligations under the Charter prevailed over obligations under any other international agreement. The treaties, moreover, clearly recognized the Tunisian State as a separate entity and made only a limited delegation of powers to France. Tunisia had its own legislation, its own administrative machinery and its own Head of State, without whose signature no measure could become law. A declaration of war by France did not automatically commit Tunisia. Tunisia was considered foreign territory by the French code of military justice. Even the conduct of Tunisia's foreign relations was not entirely delegated to France, since the international treaties concluded by Tunisia before the Treaty of Bardo were still valid. French interference in matters left within the Bey's sovereignty could not, it was argued, be a matter essentially within the domestic jurisdiction of of France. Moreover, the treaties could not prevent Tunisia from protesting when France violated them.

The competence of the United Nations was equally clear, these representatives maintained, if Tunisia were considered to be a Non-Self-Governing Territory within the meaning of the Charter. Chapters XI, XII and XIII recognized that the Non-Self-Governing Territories were no longer subject to the domestic law of the Metropolitan country, and established an unquestionably international system. In reply to the argument that Chapter XI was, in effect, a unilateral declaration and that the Charter did not confer on any international organ the right of supervision, it was stated that the insertion of this Chapter in the Charter transformed it into a multilateral contractual obligation binding upon the States concerned.

It was also pointed out that one of the accepted principles in determining the sphere of domestic jurisdiction was that, if a matter were regulated by international law, or governed by a treaty or international agreement, it was not essentially within the domestic jurisdiction of any State within the meaning of Article 2, paragraph 7, of the Charter. That view, which had been recognized by the practice of the United Nations, drew its authority from the advisory opinion of the Permanent Court of International Justice given on 8 November 1921 concerning the Tunisia-Morocco nationality decrees. The Court in this opinion had established that the existence of treaty obligations covering the substance of a matter was sufficient to remove it from the sphere of domestic jurisdiction. Questions arising from the application of treaties could not be settled exclusively in accordance with the national law of either party but had to be settled according to international law.

Some of these representatives maintained that a question with such important international aspects ceased to be a matter of domestic jurisdiction. The Tunisian question was the subject of dispute between France and thirteen Members of the United Nations; there was a chronic state of tension between two sovereign States and two distinct peoples; and the question involved the basic right of self-determination, recognized in the Charter. The Assembly, it was recalled, had confirmed its competence in the question of the treatment of people of Indian origin in the Union of South Africa.

It was further maintained that the Assembly had jurisdiction under Article 10,[71] which authorized it to make recommendations concerning any matters within the scope of the Charter. Among the provisions bringing the Tunisian question within the scope of that Article were: parts of the Preamble concerning the equal rights of nations and the establishment of conditions under which justice and respect for treaties could be maintained; and paragraphs 1 and 2 of Article 1 stating the purposes of the United Nations to bring about by peaceful means the settlement of international disputes which might lead to a breach of the peace and to develop friendly relations among nations.

It was also argued that one of the basic threats to world peace arose from the disputes between the Metropolitan Powers and the independence movements in Non-Self-Governing Territories. The trouble in Tunisia obviously affected the general situation and decreased the possibility of finding peaceful solutions. Accordingly the Assembly also had jurisdiction under Article 11, paragraph 2, which authorized it to make recommendations concerning any questions relating to the maintainance of international peace and security brought before it by any Member of the United Nations. The situation was also covered by Article 14, which provided that the Assembly might recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deemed likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the Charter setting forth the purposes and principles of the United Nations.

In support of the first joint draft resolution (A/C.1/736), the representatives of Afghanistan, Burma, the Byelorussian SSR, China, Czechoslovakia, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, the Philippines, Poland, Saudi Arabia, Syria, the Ukrainian SSR, the USSR, Yemen and Yugoslavia recalled that the legal basis for the relationship between France and Tunisia was contained in the Treaty of Bardo of 1881. Relations between the two countries were further regulated by the Convention of La Marsa of 1883. From then on, it was stated, France had gradually assumed full control in Tunisia—a process in accord neither with the Treaty nor with the Convention.

On 11 April 1950, the Bey had informed the President of the French Republic of his desire to introduce substantive reforms, it was stated. A new Resident General, whose task was to pave the way for independence, was appointed. On 17 August 1950 a new Tunisian Government had been formed, acceptable to the Bey and to the French Government. The official announcement stated that the task of the new Cabinet was to negotiate such institutional changes as were needed to lead to internal autonomy. However, no progress had been made for a year, although on 8 February 1951 a decree embodying unsatisfactory reforms had been promulgated. Accordingly, on 31 October 1951 the Tunisian Cabinet had addressed a formal note to the French Government, stating that the pledge of autonomy had to be realized within a limited period and that it had to be acted upon at the governmental, legislative and administrative levels. At the governmental level an homogeneous Tunisian Government was necessary to avoid duality, although Ministers might attach French technicians whose experience would assist them. At the legislative level a representative Assembly should be established to draft laws and control the administration and general policy of the Government; but as a transitional measure the initiation of legislation might be reserved to the Government, leaving to the Assembly, however, the right of amendment. At the administrative level, the note stated, it was essential to give the public services a status in keeping with the new regime. However, experts would be recruited only from France and through the French Government. French citizens residing in Tunisia would be guaranteed the full exercise of their civil rights and the full protection of their persons and property.

All that had been offered in the final reply of the French Government on 15 December, it was stated, had been to go forward with a stage of municipal reform, and even that advance had failed to materialize because of French insistence on the equality of representation of French and Tunisian interests, i.e., between the 140,000 French colonists and 3,250,000 Tunisians. The reply had tried to justify French participation in the management of Tunisia's affairs by an alleged co-sovereignty which was incompatible with the protectorate treaty. It had also affirmed the finality of the ties between France and Tunisia. Following the failure of the negotiations the Tunisian Prime Minister had brought the situation to the notice of the Security Council.

Mr. Baccouche, the new Prime Minister, it was recalled, had been unable to form a government and a caretaker administration of civil servants had therefore been established. The French Government had negotiated with the new administration, but even that had not resulted in a

[71] For text of Article referred to, see p. 11.

settlement. Draft reforms had been presented to the Bey on 2 August 1952. On 9 September the Bey had replied that he could not approve the proposals, since study by a group representing all sections of Tunisian opinion had made it clear that they would impair Tunisian sovereignty, legalize the direct administration and in no way represent progress towards the internal autonomy which the French Government had promised. The terror had then been intensified and hundreds of Tunisians had been killed or wounded as a result of action by the French colonists.

Tunisia had become a centre of trouble, which was liable to spread unless an early solution was found, it was felt. International peace was undermined by the division of the world into antagonistic blocs, and one of the most serious divisions was that between the Powers of the North-Atlantic Treaty Organization and the peoples of Asia and Africa.

It was argued by these representatives that the Bey and the Tunisian Government had advanced moderate and reasonable proposals and had maintained a sober, friendly and co-operative attitude, demonstrating an honest desire for a settlement. The crux of the matter was that there were about 140,000 French settlers in Tunisia and 3,250,000 Tunisians. From the Tunisian side, full guarantees had been offered that the legitimate interests of French citizens in Tunisia would be fully safeguarded on the restoration of Tunisian sovereignty. However, the 140,000 French citizens desired to occupy a position of privilege even when the French Government had been willing to take a timid step forward.

It was also argued that, as a result of the long French domination:

(1) the natural resources and mining reserves of Tunisia had been taken over and official colonization had been financed entirely from the Tunisian budget with some 4,000 colonists owning some 800,000 hectares of cultivated land, whereas between 400,000 and 450,000 Tunisians owned approximately 1 million hectares; (2) agricultural unemployment and poverty had resulted and during the last twelve years the rural population had suffered five famines; (3) in industry and trade Tunisia was a French satellite as any processing industry likely to compete with a similar French industry or to assemble a large concentration of labour had been eliminated; and (4) more than 15,000 French civil servants were employed in the Tunisian administration, in which they enjoyed considerable advantages and monopolized most of the higher positions.

The Tunisian people, it was contended, had suffered the ruin of its small and medium properties, the distress of its peasantry, the exploitation of its working class, endemic unemployment, undernourishment, illiteracy, and medieval housing standards. Those conditions, and the lack of adequate medical facilities, had caused widespread disease and a high death rate among the indigenous population.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR stated that United States military construction authorities were adapting fourteen airports in Tunisia for use by American bombers and were transforming the El Kantara port to service American naval vessels. The French naval base of Bizerte had actually come under the United States control. France, the United Kingdom and the United States were using their military alliance to maintain their privileges in the colonies and to suppress the national liberation movements.

Finally, it was argued that since the Tunisian representatives had not succeeded in negotiating on an equal footing, as required by democratic principles, it was essential that the United Nations should adopt a resolution recommending the resumption of negotiations and appointing a commission of good offices to assist therein. It was felt that the Latin-American draft resolution did not reflect the grave realities of the situation in Tunisia. It called upon both parties equally to resume negotiations, although the responsibility for breaking them off did not rest with the Tunisians. Furthermore, it did not mention the restoration of peaceful conditions or normal civil liberties, which were essential if negotiations were to take place in an atmosphere of freedom and mutual trust.

In support of the second joint draft resolution (A/C.1/L.8), the representatives of Bolivia, Brazil, Canada, Colombia, Cuba, the Dominican Republic, Greece, Haiti, Israel, New Zealand, Norway, Paraguay, Peru, Sweden, Turkey, the United States, Uruguay and Venezuela argued that the Administering Power could not be the sole judge of the interests of the inhabitants of a Non-Self-Governing Territory, and could not refuse to permit even a discussion of the principles involved. It was admitted that great material and cultural advances had certainly been made in Tunisia under French administration. However, the demand for self-determination could not be silenced by progress in other fields. If an agreed solution were not attained, the demand for self-government would be reiterated in stronger terms and an element of instability would be introduced into the international situation. The Tunisian independence movement was only a part of the nationalistic movement which had spread throughout the Arab and Moslem world. It depended on the

parties to the dispute and on the United Nations whether the problem would be solved peacefully or by violent methods.

Viewed in historical perspective, it was said, conditions in Tunisia reflected credit upon France. The stage of civilization which Tunisia had attained was one reason for granting it progressive self-government.

In expressing confidence that the French Government would endeavour to develop the free institutions of the Tunisian people, the second joint draft resolution merely reflected the belief that that was in fact the road that France had already chosen, it was stated. The appointment of a commission of good offices, they felt, would prejudice the status long enjoyed by France and would pay too little regard to France's solemn promise that Tunisia's national aspirations would be fulfilled. The first joint draft resolution (A/C.1/736) was neither moderate nor wise, and the action it recommended should be contemplated only when the possibilities of direct settlement had been exhausted. Furthermore, the resolutions of the Assembly were only recommendations, and Member States were free to abide by them or not. Unless every effort were made to seek the maximum agreement, the result would be the adoption of high-sounding resolutions which would have no practical effect and would not add to the prestige of the Organization.

The urge for freedom was not the only important condition for the achievement of real and lasting self-government in the interests of the inhabitants, some of these representatives pointed out. Among those conditions were a sound administration, economic viability, and a deep-rooted understanding of democratic processes. The road to progressive self-government lay in a free and open interplay between the administering authorities and representatives of the various elements within the territory. That interplay would only be progressive and constructive if it were peaceful. In this connexion it was also maintained that the General Assembly was not a tribunal and no opinion could be expressed concerning the acts of violence of which France had been accused.

The Tunisian question had been submitted to the General Assembly pursuant to Article 11, paragraph 2, of the Charter, as a question relating to the maintenance of international peace and security, it was said. Article 11, paragraph 2, provided that the Assembly could discuss such questions and make recommendations, but that any such question on which action was necessary should be referred to the Security Council either before or after discussion. If the parties did not fulfil their initial obligation to settle their differences, the Assembly could call upon them to fulfil their duties. However, the Assembly lacked the power to indicate to the parties a specific procedure to be followed, such as the use of good offices or mediation. The Assembly further lacked the power to add to such a choice of method the appointment of the person who was to act as mediator. Accordingly it was argued that the second joint draft resolution (A/C.1/L.8) was the proposal more in conformity with the Charter.

At the 546th meeting on 12 December, the representative of India presented amendments (A/C1/L.10) to the second joint draft resolution (A/C1/L.8) which would:

(1) delete the fourth paragraph, which provided that the Assembly should express its confidence that, in pursuance of its proclaimed policies, the Government of France would endeavour to further the effective development of the free institutions of the Tunisian people, in conformity with the Purposes and Principles of the Charter; and

(2) add a new paragraph requesting the President of the Assembly to keep under observation the progress of the negotiations, and to give in his discretion such assistance as might be necessary or useful. The representative of India argued that the course of previous negotiations and the refusal of the French Government to participate in the First Committee's debates did not appear to justify an expression of confidence in one party only. In view of the attitude taken by the French Government in previous negotiations, the additional paragraph would be useful in giving the Tunisian people some guarantee of the Assembly's interest.

The representative of Brazil pointed out that the second joint draft resolution clearly foresaw the evolution of the free institutions of the Tunisian people in accordance with the Purposes and Principles of the Charter and adoption of the amendment would indicate a lack of confidence in the two parties and would prejudge future negotiations.

At the same meeting, the Indian amendments (A/C.1/L.10) were rejected by roll-call votes of 31 to 21, with 6 abstentions, and 31 to 20, with 7 abstentions, respectively.

In separate votes, the Committee adopted paragraphs 1, 2, 3 and 5 of the first draft resolution (A/C.1/736). The remaining paragraphs were rejected, two (paragraphs 7 and 12) being rejected by roll-call votes. The Committee voted 27 to 24, with 7 abstentions, to reject the first joint draft resolution, as amended, as a whole.

After adopting separately the individual paragraphs of the second joint draft resolution (A/C.1/L.8), the Committee adopted the resolution as a whole by a roll-call vote of 45 to 3, with 10 abstentions.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The draft resolution recommended by the First Committee (A/2312) was adopted without discussion at the 404th plenary meeting of the Assembly on 17 December by 44 votes to 3, with 8 abstentions, as resolution 611 (VII). It read:

"The General Assembly,

"Having debated the question proposed by thirteen Member States in document A/2152,

"Mindful of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

"Considering that the United Nations, as a centre for harmonizing the actions of nations in the attainment of their common ends under the Charter, should strive towards removing any causes and factors of misunderstanding among Member States, thus reasserting the general principles of co-operation in the maintenance of international peace and security.

"1. Expresses its confidence that, in pursuance of its proclaimed policies, the Government of France will endeavour to further the effective development of the free institutions of the Tunisian people, in conformity with the Purposes and Principles of the Charter;

"2. Expresses the hope that the parties will continue negotiations on an urgent basis with a view to bringing about self-government for Tunisians in the light of the relevant provisions of the Charter of the United Nations;

"3. Appeals to the parties concerned to conduct their relations and settle their disputes in accordance with the spirit of the Charter and to refrain from any acts or measures likely to aggravate the present tension."

F. THE QUESTION OF MOROCCO

1. Inclusion of the Item in the General Assembly's Agenda

By a letter dated 8 August 1952 (A/2153), Iraq requested that the question of Morocco be included in the agenda of the seventh session of the General Assembly.

Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen made a similar request in a letter dated 3 September (A/2175). In an accompanying explanatory memorandum, those representatives recalled that a request to have the item placed on the agenda of the Assembly's sixth session had not secured the support of the necessary majority. The promises that reforms in the Moroccan administration would be introduced, made then and subsequently by France, had not been fulfilled. The methods of the French administration in Morocco were totally unsuited to the situation and to the demands of the people of Morocco. The principles of both the Charter and the Universal Declaration of Human Rights had been flouted time and again, these representatives alleged; stringent French rule had compromised the sovereignty of the country and its legitimate ruler and had resulted in complete suppression of civil liberties and democratic rights.

The national movement in Morocco was being oppressed at a time when the world was witnessing the emancipation of colonial peoples; peoples more backward than Morocco had obtained far more rights and liberties. The peoples of Asia and Africa supported the legitimate aspirations of the Moroccan people and considered that it was the duty of the Assembly not to ignore the situation.

The French Administration, by encouraging strife among the inhabitants and by arming French civilian residents, had created a dangerous situation, threatening both the liberties of the Moroccan people and international peace. Accordingly, those Governments felt it their duty to raise once again the question of Morocco. They believed that debate in the Assembly on the question would not only contribute to the solution of the Moroccan problem and to safeguarding peace in that area, but also to sustaining the principles of the Charter and of the Universal Declaration of Human Rights.

The representatives of those countries later transmitted to the Secretary-General an additional explanatory memorandum (A/2175/Add.l) and a communique of the Sultan of Morocco, dated 8 October 1952 (A/2175/Add.2). Pakistan, by a letter dated 11 December 1952, also transmitted to the Secretary-General the text of two documents relating to the Speech from the Throne, delivered on 18 November 1952, and to details of Franco-Moroccan negotiations (A/C.1/738).

Iraq, in a letter dated 8 September (A/2153/-Add.l), stated that the communication of the thirteen States would supersede its individual request (A/2153).

At its 380th plenary meeting on 16 October 1952, the General Assembly, without discussion, decided to include the question of Morocco in the agenda of its seventh session. The item was subsequently referred to the First Committee.

During the opening general debate of the Assembly's seventh session, at the 392nd plenary meeting on 10 November 1952, the Minister

for Foreign Afairs for France made a statement concerning both Tunisia and Morocco.[72]

With respect to Morocco, he said that the United Nations was excluded from discussing the question by the Treaty of Fez signed between France and Morocco in 1912 and by the provisions of the United Nations Charter. The Treaty, concluded between sovereign States, provided that the foreign relations of Morocco could be conducted only within the framework provided for in the Treaty, namely, through France. It also provided that reforms in Morocco were to be effected in close and exclusive co-operation with, and on the initiative of France.

The United Nations had not been given competence to revise treaties. Moreover, the competence of the United Nations was limited by Article 2, paragraph 7, of the Charter which precluded the Organization from intervening in matters essentially within the domestic jurisdiction of any State. This rule applied even where a question had international implications. The proviso in the paragraph that the principle should not prejudice the application of enforcement measures under the Charter was not applicable since it could not reasonably be claimed that the existing situation in North Africa constituted a threat to international peace.

The Minister for Foreign Affairs for France analyzed the reciprocal rights and duties arising from the Treaty of Fez of 1912. It was intended that any inequality arising from the difference of means and resources should progressively disappear, thus making room for a true partnership. He described the situation in Morocco when the Treaty was signed, and the advantages which Morocco had derived from its association with France. Morocco, he said, had been transformed into a true State and had been helped in building up administrative bodies and public services adapted to modern requirements. Economic conditions had been greatly improved by such measures as the reorganization of the land tenure system, the modernization of agriculture, reafforestation, water conservation, the development of hydro-electric power and the construction of ports and roads. These achievements had not been made only for the benefit of the French. For instance, 94 per cent of the arable land was cultivated by Moroccans. The indigenous population of Morocco had doubled since 1920. The health conditions of the people had been greatly improved and a developing social legislation, modelled directly on that of France, was being put into effect. The technical and financial contributions of France had been decisive in developing mineral resources and establishing new industries. Educational facilities were being extended yearly, although in this field it had been necessary to start virtually from nothing.

France had undertaken the task of education and democratic initiation, as provided in the Treaty, and was responsible for completing that task. Considerable strides had been made; other advancements of even greater importance were being prepared, and France was ready to discuss them with properly authorized representatives. These were not secret negotiations. The Sultan of Morocco could make his position known freely and publicly. It was, however, for France to determine the stages and pace of evolution in Morocco. How could the United Nations, he asked, quite apart from legal considerations, define what reforms should be undertaken, by what stages and through what institutions? The political problem in Morocco consisted basically of how to ensure for the future that the various elements of the population, each essential to the life of the country, should be able to live and work together in peace and friendship. France would not allow itself to be ousted from Morocco; the French Constitution stated that France would guide the peoples for whom it had assumed responsibility towards the freedom to govern themselves. With that objective, France had endeavoured to strengthen the individuality of Morocco as a sovereign State and that of its dynasty; to foster development of political and social institutions upon democratic foundations within the framework of a progressively expanding autonomy; to protect all interests; to exploit all natural resources; and to enlist support from all quarters. That would ensure the well-being of Morocco and all its inhabitants. Although, unfortunately, some elements in Morocco had preferred violence and intimidation to free understanding, it was not possible to give way to such methods.

The Minister for Foreign Affairs for France said that it would be a serious mistake if territories still imperfectly developed were set up as independent States before they were able to meet the heavy responsibilities which that would imply. Premature independence would imperil the legitimate interests of France and others, which France had undertaken to safeguard, as well as the further development of those territories. France was compelled to warn the Assembly against the consequences of interference. The Government of France could agree to discuss neither the principle nor the manner of such interference.

By a letter dated 4 December (A/C.1/737), France informed the Chairman of the Assembly's

[72] See also under The Tunisian Question, above.

First Committee that, in accordance with the statement made by the Minister for Foreign Affairs for France at the 392nd plenary meeting of the General Assembly on 10 November, the French delegation would be unable to take part in the discussion of the item.

2. Consideration by the First Committee

The First Committee considered the question at its 547th to 553rd meetings, from 13 to 17 December.

In the general debate, at the 548th meeting on 15 December, the Chairman announced that some representatives had already expressed their views when speaking on the related question of Tunisia and had decided not to participate in the general debate on the question of Morocco. A summary of the views expressed, in so far as they relate particularly to Morocco, is given here.

The representatives of Ethiopia, Egypt, India, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen, stated, in general, that the tragedy of Morocco had begun in 1830, when France had annexed Algeria, and had resulted from the industrial revolution in Europe and the quest for markets and raw materials. Algeria had been an obvious prey for the interests of French industrialists—geographically near to France, economically prosperous and politically weak and divided. The conquest of Algeria had been completed in 1848 and from that moment the French had intrigued incessantly against the Sultan of Morocco, and had encouraged with arms and money the dissident elements undermining the authority of the Sultan's Government. During the nineteenth century, it was stated, the French, abusing the right of protection enjoyed by Foreign Missions in Morocco, had bestowed that protection not only upon their own nationals but also upon a large number of Moroccans, who had thus ceased to be subject to the authority and jurisdiction of the Sultan. Morocco had also had to fight against France in 1845 and against Spain in 1865. With the object of creating economic chaos, France had forced Morocco to pay huge indemnities. The fact that Morocco had been able for a time to escape the fate of Algeria had been due to the commercial rivalry between the great European Powers. That situation had led to the Convention of Madrid in 1880, which had stopped the practice of granting foreign protection to Moroccan citizens and had guaranteed equal trading rights to all countries. France had raised strong objections to the conclusion of the Convention. In 1881 it had occupied Tunisia and had then concentrated its efforts on Morocco.

Thereafter, it was stated, France had continued to foment internal disturbances against the Sultan. It had forced the Sultan to accept loans at exorbitant rates of interest. France, however, had acted mainly at the international level. It had managed to gain the acquiescence in its domination of Morocco, one by one, of Italy, England, Spain and Germany. In 1901 France had signed a secret treaty with Italy, by which Italy renounced all claims on Morocco in exchange for a free hand in Libya. In 1904 a secret treaty between France and Great Britain immediately after the ratification of their entente cordiale had recognized British supremacy in Egypt and had given France a free hand in Morocco. That year Spain had adhered to the Franco-British agreement and had been promised a free hand on the African side of the Straits of Gibraltar. In 1905 the Kaiser had sent warships to Tangier and had declared himself prepared to defend Moroccan independence. The diplomatic crisis that followed had resulted in the Conference and the Act of Algeciras in 1906. The Conference had recognized the independence of the Sultan and the integrity of his territory, and had established the principle of the open door in economic relations with Morocco.

The Moroccans had felt reassured. None of the governments which signed the Act, however, had the slightest intention of respecting its signature, it was said. They had been bound by secret treaties which violated the letter and the spirit of the Act of Algeciras. France had been the first to violate the provisions of the Act; the assasination of four French citizens in Morocco had provided it with the long-awaited opportunity to occupy part of the country. From 1907 to 1911 all the coastal towns had been occupied by French troops. Finally, in 1911, the Agadir incident had eliminated all remaining obstacles to French domination of Morocco. By a treaty signed in the same year Germany had finally given France a free hand in Morocco, receiving in return part of the French Congo. From that time the European Powers, having satisfied their ambitions in other parts of the world, had lost interest in Morocco. Such had been the power politics, imperialist deals and secret diplomacy, that France was able finally to dominate Morocco and to force the Treaty of Fez upon the Sultan in 1912.

In the opinion of these representatives, the 40 years of the French protectorate in Morocco had seen the expression of a conflict between the nationalism of a dominated people and European colonialism. It was true that under the first Resident General, Marshal Lyautey, Morocco had been pacified, a regime of law and order estab-

lished, and certain economic and social reforms undertaken, but those reforms, for the most part, operated only to the advantage of the French colonists. Both before and after the establishment of the protectorate, Morocco was a sovereign State; yet in reality it was a French colony, under the control of the French immigrants.

For many years the Sultan had pressed for the introduction of democratic reforms and the holding of municipal elections, it was maintained. When the Resident General had finally consented to hold such elections, he had requested that 4,000 French colonists should elect the same number of deputies as 8,000,000 indigenous inhabitants. When the Sultan had refused to accept that undemocratic condition, the Resident General had accused him of being reactionary. Moreover, since his ascension to the throne in 1927, the Sultan had not been allowed to have political counsellors. In 1950, General Juin had consented to the creation of an imperial Cabinet, with the function of giving advice on political questions. In 1951, however, the Sultan had been obliged to dismiss that Cabinet and to exile its members as punishment for their nationalistic aspirations.

Another characteristic trait of French policy, it was said, had been the creation of artificial separations between the two native elements, the Arabs and the Berbers, whose unity had been established by more than a thousand years of life in common. The French argument that because of the dual nature of the population there could not be any national unity in Morocco, was merely a pretext for preventing unification and justifying the protectorate.

Those representatives reviewed in detail the history of Franco-Moroccan relations since the official visit to France by the Sultan in 1950 to discuss the termination of the protectorate and its replacement by a regime more in harmony with the sovereignty of Morocco. This, however, had been fruitless.

France had proposed on 17 September the following reforms: (1) the instrument of administrative Djamas elected in the rural areas; (2) the creation of Joint Municipal Commissions in the urban centres; (3) promises of legislative texts regarding the organization of the judicature; and (4) the assignment of a French secretary-general of the protectorate to the office of the Grand Vizier. This scheme of reforms did not contain a single novel element, as a communique issued by the Sultan on 8 October 1952 had pointed out. The Sultan further outlined the demarches he had decided to make to clarify the status of Franco-Moroccan relations, in a communique issued in October 1952. It recalled that, in its reply to the memorandum submitted by the Sultan in 1950, the French Government had considered it premature to make any modification in the existing regime and had merely proposed fragmentary reforms within the framework of the Protectorate Treaty. On 14 March 1952, the Sultan had sent the French Government another memorandum, stating that the wisest solution of the Moroccan problem lay in a new definition of Franco-Moroccan relations which would guarantee the sovereignty of Morocco and the legitimate interests of the French, within the framework of co-operation between the two countries in the fields of economics, culture and international affairs. To achieve that aim, the Sultan had proposed granting public and private liberties and, in particular, trade union liberties, and the constitution of a provisional Moroccan Government which, in the name of the Sultan, would negotiate the terms of a new agreement with the French Government.

In its reply of 17 September 1952, to the Sultan, France had declared itself prepared to institute elected joint municipal commissions in the towns and Franco-Moroccan commissions in the rural areas. With regard to executive power, the reply had noted the existence of the Council of Viziers and the directors of ministerial departments; it had indicated, further, that France was prepared to put forward legislative drafts with regard to the judicial organization and that, once those principles had been accepted, the French Government would be prepared to proclaim in a solemn Act the principles upon which Franco-Moroccan relations would be based in the future, without in any way impugning the objectives defined in the Treaty of Fez. There could be no sharing of sovereignty.

In reply to the French Government, the Sultan on 3 October 1952, had expressed his regret at the refusal of the Government of France to agree to his proposals. At the same time he had drawn the attention of the French Government to the fact that the reforms it had proposed seemed to amount to a division of Moroccan sovereignty.

The negotiations had failed, these representatives considered, because the Moroccan people wanted to regain their complete independence while France envisaged a regime of co-sovereignty, in contravention of the Protectorate Treaties and the Act of Algeciras.

The representatives of Brazil and Panama said that, because of nationalist aspirations, a state of tension existed in Morocco. This had prevented an agreement acceptable both to the French and Moroccans. The Sultan had proclaimed that the

best solution, which would guarantee both Moroccan sovereignty and French and foreign interests, would be to re-define French-Moroccan relations. He had added that he had not requested the immediate withdrawal of French troops and so had displayed a real desire to compromise. On the other hand, there was no reason to doubt France's desire to compromise, a desire which it had expressed repeatedly and which was in conformity with the principles of the Charter. They believed, however, that it was not appropriate, at that time, for the Committee to analyse the relations between France and Morocco. The Charter would not justify direct intervention by the United Nations, particularly when there was no evidence of a threat to international peace and security in that part of the world. The Committee should instead act as a mediator. The aspirations of the people of Morocco were justified, but France also desired the realization of those aspirations. Thus, these representatives considered, the solution of the problem rested solely with the two peoples. The Committee's duty was, therefore, to have recourse to means of peaceful settlement. Intransigent measures would tend only to aggravate the situation. In this view, those representatives were supported by the representatives of Afghanistan, the Philippines and Yugoslavia.

On the question of competence, the representatives of Egypt, India, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen argued that Article 2, paragraph 7, of the Charter did not apply to the case of Morocco, because the Permanent Court of International Justice had, in 1922, upheld Moroccan sovereignty and the International Court of Justice had also decided, in 1952, the international character of the relations between France and Morocco. It was, therefore, the duty of the United Nations to use its good offices in inviting both parties to negotiate. The representatives of Afghanistan, Guatemala, the Philippines and Yugoslavia also stressed this view. Although French residents in Morocco were in a privileged position, it could not surely be claimed that the Moroccans had no international status or that their affairs were inseparably bound up with those of the French. Furthermore, the Act of Algeciras, signed by twelve States, had safeguarded the sovereignty and independence of the Sultan, the integrity of his domains and the economic freedom on an equal footing, of all States which traded with Morocco. That Treaty was still in force.

The representatives of Australia, Belgium, the Netherlands, the United Kingdom, the Union of South Africa and the United States questioned the competence of the Assembly to examine the question.

The representative of the United Kingdom, in particular, considered that in dealing with the question, the Assembly was usurping functions to which it was not entitled. As the Permanent Court and the International Court of Justice had recognized, the Franco-Moroccan Protectorate Treaty was valid. Unlike the League of Nations, however, the United Nations had no general power to revise treaties. As regards the reference made to Article 103 of the Charter, which provides that the obligations of the Charter take precedence over other obligations, that Article would be applicable only if there were a specific legal conflict between the Charter and the Protectorate Treaty, and that was not the case. Under that Treaty, Morocco, while retaining certain attributes of sovereignty, had vested the conduct of its foreign affairs in France. Questions arising between the two parties had ceased to have an international character.

The Charter recognized the existence of dependent territories by the very fact that it dealt with them in Chapter XI and XII, it was stated. In the case of a Protectorate not under Trusteeship, the United Nations had, at most, the right and responsibilities which it had under Chapter XI, in relation to Non-Self-Governing Territories, not those of the Chapter on the Trusteeship System, which implied the acceptance of actual supervision by the United Nations. The only obligation incumbent on Members of the United Nations under Article 73 was that of transmitting information on Non-Self-Governing Territories to the Secretary-General; nowhere in Chapter XI was it provided that the United Nations could intervene in the political relations between the parties concerned.

It could not be claimed, he said, that international peace was threatened since there was no dispute between fully independent States. Consequently, neither an international dispute nor a threat to international peace was involved. Moreover, the limitations placed upon the General Assembly's powers in Article 10 applied to the enumeration of its specific powers in Articles 11 to 17. In other words, the General Assembly could not, under Article 14 or Article 10, either discuss or make recommendations that were not within the scope of the Charter. Furthermore, the matters to which Article 2, paragraph 7, applied, because they were matters of domestic jurisdiction, were excluded from the scope of the Charter.[73]

The representative of the Netherlands said that as the competence of the Committee had been denied by France, without whose co-operation no practical results could be expected, he believed that

[73] For texts of these articles, see pp. 10-12.

no intervention by the Assembly could serve any constructive purpose.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR maintained that the United Nations was competent to consider the question and referred to the political, social and economic conditions of the Moroccan people. The representative of the USSR, in particular, argued that Morocco was a non-self-governing territory within the meaning of the Charter and that this was recognized by the French themselves. The United Nations had a special responsibility to such territories. States administering those territories had assumed a particular obligation which was likewise determined by the Charter. France, under Article 73 of the Charter, had undertaken to promote and ensure the political, economic, social and educational advancements of the people of Morocco as one of its non-self-governing territories. The French Government had failed to abide by its obligations, he stated. He maintained that:

(1) French monopolists had taken over the natural resources and the best lands of Morocco and were dominating its industrial, financial, social and cultural enterprises; (2) the part played by the United States in the foreign trade of Morocco, particularly imports, was growing yearly; (3) lawlessness and the subjection of the Moroccan citizens to abuse and injustice were part of a systematic policy of discrimination against the Moroccan population; (4) Moroccans did not enjoy the right to form trade unions and their wages were always lower than those of European workers; (5) in public health and national education, discrimination also prevailed; (6) expenditures allocated from the national income for services for the Moroccan population and for the colonists were entirely out of proportion; and (7) the Moroccan people had been excluded from any participation in the government of their country.

Since 1914, the powers of the French Resident General had been constantly used to suppress the national liberation movement, the USSR representative stated. All public and private assemblies were prohibited by law; Moroccans were persecuted, condemned or imprisoned for participating in private assemblies and for distributing or possessing pamphlets criticizing the French authorities. The complete absence of freedom of speech, of assembly and of the Press, and the absence of the right to organize trade unions could not have failed to stir the indignation of the indigenous population, especially as it had been provoked constantly by the use of force.

The tense situation in Morocco had been considerably worsened when the territory had been turned into a military base for the United States, the representative of the USSR said. Morocco played one of the major roles in the strategic plans of the North Atlantic Treaty Organization. In December 1950, the Government of France had concluded a secret agreement with the Government of the United States permitting the United States to build air bases in Morocco and to maintain American troops there, even in peacetime. By its actions in Morocco, designed to suppress the liberation movement and to produce a regime of militarization, the French Government had created a serious situation which required careful scrutiny by the United Nations.

The General Assembly should take measures for the solution of the Moroccan question in accordance with the principles of the Charter, and especially with paragraph 2 of Article I, those representatives said.

At the 549th meeting of the Committe on 15 December, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen submitted a draft resolution (A/C.1/L.12).

In terms of this draft, the Assembly would:

(1) recall that the International Court, in its judgment of 27 August 1952, had pronounced that it was common ground that the characteristic of the status of Morocco was respect for the three principles stated in the preamble to the General Act of Algeciras, namely the sovereignty and independence of the Sultan, the integrity of his domains and economic liberty without any inequality; (2) state that it was mindful that Morocco had entered into solemn covenants in the exercise of its sovereign rights; and (3) state that it was conscious that France respected solemn covenants, the law of nations and the rights and desires of peoples to liberty and equality as well as the rights of peoples and nations under the Charter.

The Assembly would also:

(1) note that the Sultan and people of Morocco had proclaimed their desire for the early attainment of their national aspirations through peaceful methods of negotiation and settlement; (2) note that the International Court had recorded that it was not disputed by France that Morocco, even under the Protectorate, had retained its personality as a State in international law; and (3) state that it considered that the existing situation in Morocco caused deep concern and adversely affected Franco-Moroccan relations and peaceful conditions in the world.

In its operative part, the draft resolution would have the Assembly request the Government of France and the Sultan of Morocco to enter into negotiations to reach an early peaceful settlement in accord with the sovereignty of Morocco, the aspirations of its people and the United Nations Charter.

In explaining the joint draft resolution, the representatives of India and the Philippines pointed out that the draft did not condemn nor ask for sanctions against France; it made no provision for arraignment before a court. It merely

noted that Moroccan sovereignty had been violated and, therefore, asked the parties concerned to enter into negotiations to reach a peaceful settlement of the situation in accord with the sovereignty of Morocco, the aspirations of the Moroccan people, and the principles of the United Nations. The draft resolution was based on two premises: the first, that France as a rule respected the covenants it had signed, the law of nations and the rights and desires of peoples to liberty and equality; the second, that the Sultan and the people of Morocco had proclaimed their desire for the early attainment of their national aspirations by peaceful methods of negotiations.

The draft, they said, was a modest, moderate and reasonable proposal, which took into account the national aspirations of the Moroccan people and the principles of the Charter. It also took into account the apprehensions which certain delegations had expressed during the debate on the Tunisian question. In submitting the joint draft resolution, the sponsors were in no way moved by a desire to bring about the condemnation of a great and honoured Member of the United Nations or to jeopardize the security of a vital area of the world. Their only concern was to bring the moral force of the United Nations to bear upon both parties so that the methods of peaceful negotiations might be set in motion as early as possible, and so that the Moroccan people might make a start on the road back to self-government.

At the 550th meeting, on 16 December 1952, a joint draft resolution (A/C.1/L.13) by Brazil, Costa Rica, Cuba, Ecuador, Honduras, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela was submitted.

In terms of this draft, the Assembly would:

(1) state that it was mindful of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; (2) state that it considered that the United Nations should strive towards removing any causes or factors of misunderstanding among Member States, thus reasserting the general principles of co-operation in the maintenance of international peace and security; (3) express its confidence that France would endeavour to further the fundamental liberties of the people of Morocco, in conformity with the Purposes and Principles of the Charter; (4) express the hope that the parties would continue negotiations on an urgent basis towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the Law of Nations; and (5) appeal to the parties to conduct their relations in an atmosphere of goodwill, mutual confidence and respect and to settle their disputes in accordance with the spirit of the Charter, thus refraining from any acts or measures likely to aggravate the existing tension.

Introducing the joint draft, the representative of Brazil said that it was based on respect for the legitimate rights and interests of all parties.

The representative of Pakistan stated, at the 552nd meeting on 17 December 1952, that the thirteen-Power joint draft resolution (A/C.1/-L.12) embodied provisions likely to solve the problem. It had been modelled on the draft resolution on Tunisia adopted by the Committee. Those parts of the original thirteen-Power proposal concerning Tunisia, which had been rejected, had been withdrawn from the draft on Morocco, so that the latter might be adopted unanimously. In case it were not adopted, his delegation proposed the substitution of an amendment (A/C.1/L.14) to the second operative paragraph of the eleven-Power draft resolution (A/C.1/L.13), in terms of which the Assembly would express the hope that the parties would continue negotiations on an urgent basis with a view to bringing about self-government for Moroccans in the light of the relevant provisions of the Charter of the United Nations.

At the 552nd meeting on 17 December, the Committee voted paragraph by paragraph on the thirteen-Power draft (A/C.1/L.12).

By 26 votes to 21, with 7 abstentions, it adopted that part of the preamble which declared that the Assembly was conscious that France respected the rights and desires of peoples to liberty and equality as well as the rights of peoples and nations under the United Nations Charter. By votes ranging from 25 to 20, with 10 abstentions, to 27 to 18, with 9 abstentions, however, the Committee rejected the remainder of the preamble. The operative part of the joint draft was rejected by 27 votes to 25, with 3 abstentions, and the amended joint draft as a whole was accordingly rejected.

The Committee adopted, by 28 votes to 23, with 4 abstentions, the amendment by Pakistan (A/C.1/L.14) to the eleven-Power draft (A/-C.1/L.13). It adopted the remaining paragraphs of the draft in separate votes, ranging from 44 to 3, with 9 abstentions, to 50 to 3, with 3 abstentions. It adopted the amended draft as a whole by 40 votes to 5, with 11 abstentions.

3. Resolution Adopted by the General Assembly

At the 407th plenary meeting on 19 December 1952 the Assembly considered the draft resolution recommended by the First Committee (A/2325).

Brazil, Costa Rica, Cuba, Ecuador, Honduras, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela submitted an amendment (A/L.135) to

the second operative paragraph of the draft resolution (the paragraph originally proposed as an amendment by Pakistan). The amendment proposed to express the hope for negotiations "towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations" in place of negotiations "with a view to bringing about self-government for Moroccans in the light of the relevant provisions of the Charter of the United Nations".

The Assembly adopted the amendment by a roll-call vote of 29 to 8, with 22 abstentions. Voting was as follows:

In favour: Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Greece, Haiti, Honduras, Iceland, Israel, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, United States, Uruguay, Venezuela.

Against: Byelorussian SSR, Czechoslovakia, Guatemala, Pakistan, Poland, Ukrainian SSR, USSR, Yemen.

Abstaining: Afghanistan, Belgium, Burma, China, Egypt, El Salvador, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Luxembourg, Philippines, Saudi Arabia, Syria, Thailand, Turkey, Union of South Africa, United Kingdom, Yugoslavia.

The Assembly adopted by a roll-call vote of 45 to 3, with 11 abstentions, the draft resolution recommended by the First Committee, as amended. Voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Greece, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, United States, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Luxembourg, Union of South Africa.

Abstaining: Australia, Byelorussian SSR, Czechoslovakia, El Salvador, Guatemala, Netherlands, Pakistan, Poland, Ukrainian SSR, USSR, United Kingdom.

The resolution (612 (VII)) read:

"The General Assembly,

"Having debated the "Question of Morocco", as proposed by thirteen Member States in document A/2175,

"Mindful of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

"Considering that the United Nations, as a centre for harmonizing the actions of nations in the attainment of their common ends under the Charter, should strive towards removing any causes or factors of misunderstanding among Member States, thus reasserting the general principles of co-operation in the maintenance of international peace and security,

"1. Expresses the confidence that, in pursuance of its proclaimed policies, the Government of France will endeavour to further the fundamental liberties of the people of Morocco, in conformity with the Purposes and Principles of the Charter;

"2. Expresses the hope that the parties will continue negotiations on an urgent basis towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations;

"3. Appeals to the parties to conduct their relations in an atmosphere of goodwill, mutual confidence and respect and to settle their disputes in accordance with the spirit of the Charter, thus refraining from any acts or measures likely to aggravate the present tension."

G. REPATRIATION OF GREEK CHILDREN

The question of the repatriation of Greek children, which was considered by the General Assembly as part of the Greek question every year from its third to sixth session, was before the Assembly as a separate item at its seventh session.

The Assembly had recommended, in resolution 193 C (III) of 27 November 1948, the return to Greece of Greek children away from their homes when the children, their father or mother or, in his or her absence, their closest relative expressed a wish to that effect; it had reiterated this recommendation in subsequent years. It had also in resolution 193 C (III) asked that the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies organize and ensure liaison with the national Red Cross organizations of the States concerned with a view to the implementation of the recommendation. Accordingly, reports had been received from these organizations in subsequent years and the Assembly had called upon them to continue their work and to report further.[74]

At its seventh session, the Assembly had before it the fourth general report (A/2236) and a supplementary report (A/2236/Add.l) of the International Committee of the Red Cross and the League of Red Cross Societies, submitted in accordance with resolution 517 (VI), as well as a report from the Secretary-General (A/2241 and Corr.1) submitted under the same resolution.

[74] The relevant Assembly resolutions are 193 C (III), 228 B (IV), 382 C (V) and 517 (VI). The texts of these resolutions may be found in Y.U.N., 1948-49, pp. 244, 256, Y.U.N., 1950, p. 381 and Y.U.N., 1951, p. 337. An account of the consideration leading to the adoption of these resolutions is also given in these volumes.

1. Reports of the International Red Cross Organizations

The fourth general report (A/2236) of the International Committee of the Red Cross and the League of Red Cross Societies, dated 1 October 1952, described the efforts of the two organizations for the repatriation of Greek children in the previous twelve months and, in addition, reviewed their work in 1949, 1950 and 1951—work which, they said, had proved unsuccessful except for the return of a number of children from Yugoslavia.

In transmitting the report the organizations stated that they considered that they had exhausted all possible ways available to them in seeking a solution of the problem (except for the opportunities that might still occur of repatriating Greek children living in Yugoslavia), and that, accordingly, they felt obliged to suspend their work for the time being. They would be ready to resume this work if and when the United Nations or the governments concerned succeeded in establishing conditions, at the governmental level, which would make practical action by the Red Cross possible and useful. They also remained at the disposal of any of the governments concerned which might apply for their assistance in preparing or carrying out repatriation.

Giving a chronological account of their efforts, the Red Cross organizations stated that as far back as the beginning of 1949 each of the harbouring countries, Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Romania and Yugoslavia, had been asked for a list of Greek children living on its territory, for purposes of identification and to determine, in consultation with the national Red Cross Society of the State concerned, their eligibility for repatriation. Failing the receipt of that information, lists of children claimed through the Greek Red Cross had been sent to those countries with the request that they indicate which of the children were living in their territory. Up to the time of the report, it was stated, requests for the repatriation of 12,661 children had been received through the Greek Red Cross. No practical action, however, it was stated, had been taken by any of the harbouring countries except Yugoslavia. Efforts to make direct contacts with the national Red Cross organizations of those countries, for joint study of problems of repatriation including identification and authenticity of claims, had also failed except in the case of Yugoslavia from which 469 children had been repatriated up to 30 September 1952.

The report dealt, in particular, with the case of 138 Greek children[75] identified in Czechoslovakia in 1949 by the Red Cross of that country. The international Red Cross organizations considered that most of these children were eligible for repatriation on the basis of documents which had been obtained in 1950 at the request of the Czechoslovak Red Cross. With the agreement of the Government of Czechoslovakia, negotiations were resumed in April 1952 at Prague between the representatives of the international Red Cross organizations and those of the Czechoslovak Red Cross for the repatriation of these children. The negotiations, however, had to be broken off since the representatives of the Czechoslovak Red Cross refused to discuss the specific case of the 138 children, insisting that a discussion should first be held on the general situation of children in Greece, particularly of the question as to whether they suffered from political discrimination.

The report also referred to the efforts made to return to their families Greek children separated from them, wherever the actual place of residence of the families might be, on the same lines as had been adopted for returning Greek children to their families in Greece. Lists of Greek children living in Czechoslovakia, Hungary, Romania, Albania, Bulgaria, Greece and Poland, who were claimed by their families in Yugoslavia, were submitted by the Yugoslav Red Cross and forwarded to the Red Cross Societies in the harbouring countries; lists submitted by the Red Cross Societies of Bulgaria, Czechoslovakia and Hungary, as well as applications from relatives resident in Poland for the return to their parents or relatives in these countries of Greek children residing in Yugoslavia were similarly submitted to the Yugoslav Red Cross Society. The only response had been from Yugoslavia.

The Yugoslav Red Cross informed the international Red Cross organizations on 17 January 1952 that, in response to requests from parents in Czechoslovakia for 123 Greek children living in Yugoslavia, it had identified 57 of the children and would be prepared to transfer them as soon as the relevant documents were received. On 3 June the Yugoslav Red Cross notified its willingness to transfer to Czechoslovakia twelve such children in respect of whom the necessary documents had been made available. The international Red Cross organizations, it was stated, had transmitted the information to the Czechoslovak Red Cross, informing it that the transfer would be carried out in the same manner as in Greece, that is, in the presence of a representative of the international Red Cross organizations who would

[75] For developments in the case up to January 1952, see Y.U.N., 1951, pp. 331-33.

accompany the children until they were delivered to their relatives. The international Red Cross organizations also asked for a guarantee that the children would be immediately returned to their parents with whom they would live in future.

The report further referred to a number of claims from Hungary and Czechoslovakia for children living in Yugoslavia for which the Yugoslav Red Cross had not found the necessary authentication.

The supplementary report (A/2236/Add.l), dated 13 November 1952, covered events since 1 October 1952 and described the repatriation of 69 Greek children from Yugoslavia in October 1952 and their return to their relatives in Greece. It stated that, to date, 538 children had been repatriated from Yugoslavia, which had identified a further 100 Greek children living in its territory. The Greek Red Cross had thus far received the list and had prepared documents for 34 of them.

On 18 October, it was reported, the Yugoslav Red Cross had transmitted to the international Red Cross organizations a new list of thirteen children identified in Yugoslavia whose relatives lived in Czechoslovakia. It was prepared to arrange for their transfer to Czechoslovakia. The request was transmitted to the Czechoslovak Red Cross which was invited to make such proposals as it desired for the organization of the transfer. At the same time the attention of the Czechoslovak Red Cross was drawn to the list of twelve children forwarded to them earlier. No reply, the report said, had been received from Czechoslovakia, so far, to either of the communications.

2. Report of the Secretary-General

The report of the Secretary-General (A/2241), dated 30 October 1952, concerned the efforts made by him and the Standing Committee established under General Assembly resolution 382 C (V) for the repatriation of Greek children. It stated that the text of resolution 517 (VI)[76] of 2 February 1952 had been transmitted to the Governments concerned, particular attention being drawn to the provisions in which the General Assembly urged "all countries harbouring Greek children to take steps to facilitate the early return of the children to their homes". No replies had been received and in the past year, as in the previous year, it was noted, no Greek children were repatriated except from Yugoslavia.

The Standing Committee, consisting of C. Holguin de Lavalle (Peru), S. P. Lopez (Philippines) and S. Grafström (Sweden), it was reported, reviewed in May 1952 the situation resulting from the breakdown in April of the negotiations in Prague between representatives of the Czechoslovak Red Cross and the international Red Cross organizations. The Committee's subsequent effort to secure through the good offices of the Czechoslovak representative to the United Nations a resumption of the negotiations, beginning with the consideration of the cases of the 138 Greek children, was unsuccessful.

3. Consideration by the Ad Hoc Political Committee

The question was considered by the Ad Hoc Political Committee at its 22nd to 24th meetings between 21 and 24 November 1952.

At the outset, the Chairman of the Standing Committee on the Repatriation of Greek Children expressed regret that none of the countries directly concerned, with the exception of Yugoslavia, had repatriated any Greek children. He declared that, while the Committee members would be happy to continue their efforts if any results were to be hoped for, it seemed preferable, in view of the insurmountable obstacles encountered, that the Committee should be dissolved. He also paid tribute to the efforts of the international Red Cross organizations and thanked the Yugoslav Government for its co-operative attitude.

The Committee had before it a joint draft resolution (A/AC.61/L.18) submitted by Brazil and New Zealand, under which the General Assembly would, among other things:

(1) recall that the States harbouring Greek children had not opposed the recommendations of earlier Assembly resolutions in the matter; (2) express deep regret that, except for Yugoslavia, none of the harbouring States had complied with the recommendations; (3) condemn the failure of those States to co-operate in efforts to enable the Greek children to return to their homes; and (4) decide to discontinue the Standing Committee and to agree to the suspension of the work of the international Red Cross organizations (except in Yugoslavia where it would be requested to continue work until all children had been repatriated) until such time as conditions making practical action by the Red Cross possible and useful had been established.

Two amendments were proposed to the joint draft resolution:

(1) A Byelorussian SSR amendment (A/AC.61/-L.20) which would delete the two paragraphs expressing regret that none of the harbouring States except Yugoslavia had complied with the Assembly resolutions and condemning their failure to co-operate;

(2) An Ecuadorean amendment (A/AC.61/L.21) which, as amended at the suggestion of China, would: (a) provide for the discontinuance of the Standing Committee but decide not to suspend the work of the international Red Cross organizations; and (b) would request them to continue their work, not only in Yugoslavia, but until all children had been repatriated.

[76] See Y.U.N., 1951, p. 337.

A majority of representatives, including those of Australia, Belgium, Brazil, China, Colombia, Cuba, Denmark, the Dominican Republic, El Salvador, Ethiopia, France, Honduras, the Netherlands, Norway, the Philippines, Sweden, Turkey, the Union of South Africa, the United Kingdom and the United States, supported the draft resolution. While praising the efforts of the international Red Cross organizations and the Standing Committee and the co-operative attitude of Yugoslavia, they expressed deep regret at the refusal of the other countries which harboured Greek children to heed repeated Assembly resolutions on that subject.

The representatives of New Zealand, the Union of South Africa and the United Kingdom expressed the view that the USSR partly shared the responsibility for the refusal of those countries to assist in the repatriation of Greek children because it had failed to exercise its influence on them to secure repatriation.

The representative of the United States said that it was important to ascertain the significance of the situation in relation to the maintenance of peace. The fact that no Member had ever opposed the Assembly resolutions on the repatriation of Greek children showed the unanimity of opinion on that question. But the attitude of "Cominform" countries had shown that, even when no vital political interests were involved, they refused to act like respectable members of the international community. The United Nations, she said, must register its concern for the situation by condemning the countries which were responsible for it.

The representative of Cuba, while condemning the detention of Greek children, drew attention to the parallel situation which, he said, existed in the USSR where 3,000 Spanish children were detained. These children, he stated, had reached the USSR in 1937 from Bilbao and were being detained for propaganda purposes. He denounced the detention of these children.

The representative of Greece declared that at its fourth, fifth and sixth sessions, the Assembly had already noted that none of the Greek children harboured in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and East Germany had been repatriated and that none of those countries had taken steps to implement the various resolutions of the Assembly on the subject. They had, he said, on the contrary, systematically hampered the work of the international committees. They had refused them access to their territories; had failed to reply to United Nations communications and refused to enter into direct contact with the International Red Cross. Reviewing the recent refusal of Czechoslovakia to consider the case of the 138 Greek children identified there, he declared that if that Government's attitude were based upon concern for the children's welfare, its fears could be dispelled by the fact that all the children repatriated from Yugoslavia had been returned to their parents under the personal supervision of accredited representatives of the International Red Cross.

The overwhelming mass of evidence, the Greek representative stated, led only to the conclusion that the countries of the Soviet bloc had no intention of returning the Greek children to their homeland. After five years of Communist indoctrination, he added, those children must be well advanced on the road indicated for them in a speech by the Secretary-General of the Greek Communist Party when in 1950 he referred to them as fighters in the army which would liberate the Greek people. The conscience of the civilized world demanded a prompt settlement of this purely humanitarian problem, but the countries in question were making use of it for their reprehensible political ends. He exhorted the Assembly to condemn their attitude and stated that his Government reserved its right to do everything possible for the deliverance of the children.

The representative of Yugoslavia said that the repatriation of Greek children had always been viewed by his Government as a humanitarian problem. It had done everything possible to repatriate children whose parents were in Greece. However, a number of children had not yet been claimed by their parents and it had therefore not been possible to repatriate them.

As to Greek children whose parents were in other Eastern European countries, only twelve authenticated applications had been received by July 1952. Yugoslavia had made known its readiness to return these children to their parents, but the authorities in the countries in question had not taken the necessary steps.

There were also children in a number of Eastern European countries, he said, whose parents were in Yugoslavia. In June 1952 the Yugoslav Red Cross had sent the League of Red Cross Societies 98 requests from Greek refugees in Yugoslavia whose children were in Hungary, Czechoslovakia, Poland, Romania and the USSR. The requests had been passed on to those countries, but none of them had replied.

The Yugoslav representative expressed gratitude to speakers commending Yugoslavia's efforts. If they had had so little success, it was due par-

ticularly to the fact that certain countries harbouring Greek children placed political above humanitarian considerations.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR expressed strong opposition to parts of the joint draft resolution, in particular those expressing regret that none of the harbouring States except Yugoslavia had complied with Assembly resolutions and condemning them for failure to co-operate. Stating that they favoured the principle of repatriation, these representatives maintained that the task had been made difficult by justifiable fears of reprisals against the children and their parents on the part of the Greek Government which, they said, still continued repressive measures against democrats, including minors. Moreover, it was maintained, requests for repatriation and lists submitted by the Greek authorities had been falsified. The Greek Government really intended to obtain custody of these children to put them in "re-education homes" which were nothing more than prisons and concentration camps.

In reply to what he called slanderous statements of certain representatives, the representative of the USSR said that, by expecting the USSR to "give orders" to the Eastern European countries harbouring Greek children, those representatives had shown an absolute ignorance of the relations prevailing among the people's democracies, relations which were based on respect for the sovereignty and independence of States.

The representative of Czechoslovakia stated that from the outset his Government had favoured the idea of repatriation. Not only had it supported the Assembly resolution of 1948, but it had undertaken, in co-operation with the Czechoslovak Red Cross, to give it practical effect. A list of 138 Greek children identified in Czechoslovakia had been sent to Geneva; meanwhile the children had been well cared for. It appeared, he said, that practically none of the requests for the return of those children had been written by the applicants themselves, and that in many cases they had been signed by a third party. Of the 138 cases, only 78 had been verified as to authenticity, as agreed, by the signatures of two members of the International Red Cross Mission to Greece. In 30 cases, there had been no signature at all. Obviously, the conditions for voluntary repatriation set out in the Assembly resolution were not being fulfilled.

In reply, the representative of Greece pointed out that the international Red Cross organizations had stated that they had received renewed assurances from the Greek Government that repatriated children would immediately be returned to their parents and that no discriminatory measures would be taken against the children or the parents. Those organizations had also testified to the efficiency of the Greek Red Cross and to the care provided for the children. With regard to the allegation of forged repatriation requests, he quoted the international Red Cross organizations as having pointed out that failure of the harbouring countries to co-operate had made it impossible to verify requests for repatriation. The Greek Government had itself suggested that the national Red Cross organizations of those countries should make specific reference to any doubtful cases.

The representative of Uruguay stated that no question involving children should be made contingent on the solution of a political problem. He felt that the work of the Red Cross should be continued and that it should not be restricted to Yugoslavia alone. Agreeing with this view, the representative of Ecuador urged acceptance of his amendment, which was also supported by the representatives of Cuba, El Salvador, Honduras, Israel and Lebanon.

The sponsors of the joint draft resolution, supported by the representative of Greece, however, opposed the amendment. They stated that the draft resolution recognized the facts of a tragic situation and that the continuance of committees which were being flouted was harmful to the reputation of the United Nations.

The representatives of Guatemala, Indonesia, Israel, Lebanon and Mexico expressed their intention of either abstaining or voting against the paragraph condemning the failure of the harbouring States other than Yugoslavia to co-operate. The representative of Mexico stated that such condemnation should be reserved for extreme cases such as aggression.

At the 24th meeting of the Ad Hoc Political Committee on 24 November, the first part of the Byelorussian SSR amendment (A/AC.61/L20) was rejected by 41 votes to 5, with 11 abstentions, and the second part by 36 votes to 5, with 16 abstentions. The first part of the Ecuadorean amendment (A/AC.61/L.21) was adopted by 21 votes to 20, with 17 abstentions, and the second part by 23 votes to 11, with 20 abstentions.

The various paragraphs of the joint draft resolution were voted on separately and were adopted in votes ranging from 54 to none, with 5 abstentions, to 36 to 5, with 17 abstentions. The draft resolution as a whole, as amended, was adopted by 46 votes to 5, with 7 abstentions.

4. Consideration by the General Assembly in Plenary Session

The report of the Ad Hoc Political Committee (A/2295) was considered by the General Assembly at its 404th plenary meeting on 17 December.

The representative of New Zealand, supported by the representatives of Brazil and Sweden, reminded the Assembly that for four years it had, with pitifully small results, attempted to rescue and to help the Greek children abducted from their homeland and kept in countries of Eastern Europe. The joint draft resolution sponsored in the Ad Hoc Political Committee by Brazil and New Zealand, it was felt, met the facts of the situation fairly and frankly. The draft resolution did not close the door on repatriation because it provided for resumption of work by the Red Cross agencies as soon as conditions were established making practical action by them possible and useful. It had been amended by Members who found it unpalatable to suspend the work of the Red Cross, lest it appear that the United Nations was refusing to act when something might still be done. However, the international Red Cross organizations had since then requested (A/2277) that the final General Assembly resolution take note, among other things, of the fact that continuation of their work was absolutely conditional on the removal of obstacles described in their report (A/2236) and that Red Cross action could not produce results unless favourable conditions were created by the Governments concerned. He suggested that the Assembly recognize those facts. Accordingly, his delegation had submitted amendments (A/L.128) to restore the original text of the draft resolution.

The representative of Ecuador, speaking also on behalf of the delegation of Uruguay, explained that although its amendment had been intended to leave open the last possibility of an action in defence of the interests of humanity, it was now ready to accept the situation and to support the New Zealand amendment.

The representative of Greece stated that by supporting the recommendation of the Ad Hoc Political Committee, as amended by New Zealand, his delegation accepted a tragic fate rendered inevitable by unprecedented human callousness. Both the international Red Cross agencies and the Standing Committee had been explicit as regards the responsibility for a situation which would be a slur on the record of this century. Their reports gave an accurate picture of the difficulties encountered in drawing up the lists of the abducted children, difficulties which the harbouring countries had not co-operated in resolving. As for allegations that children repatriated from Yugoslavia were not returned to their families, the reports bore witness to the scrupulous observance by the Greek Government of its promises with regard to the immediate reunion of the repatriated children with their parents.

Although the solution to this problem seemed remote, the door was open, however, and Greece continued to hope that, with God's help and the moral assistance of the civilized world, its lost children would one day be restored to it.

The New Zealand amendments (A/L.128) were adopted by 46 votes to none, with 9 abstentions, and 49 votes to none, with 9 abstentions.

Two amendments (A/L.130) submitted by the Byelorussian SSR delegation, identical with those rejected by the Ad Hoc Political Committee, were then rejected by 41 votes to 5, with 9 abstentions, and 43 votes to 5, with 6 abstentions, respectively.

Paragraphs 3 and 4 were voted on separately and were adopted by 41 votes to 5, with 9 abstentions, and by 43 votes to 5, with 11 abstentions, respectively.

The draft resolution, as amended, was adopted by 46 votes to 5, with 6 abstentions, as resolution 618(VII). It read:

"The General Assembly,

"Viewing with grave concern the report of the International Committee of the Red Cross and the League of Red Cross Societies and the report of the Secretary-General and the Standing Committee on the Repatriation of Greek Children,

"1. Thanks the International Committee of the Red Cross, the League of Red Cross Societies, the Standing Committee on the Repatriation of Greek Children and the Secretary-General for their efforts to give effect to General Assembly resolutions 193 C (III), 288 B (IV), 382 C (V) and 517 (VI);

"2. Recalls that the States harbouring Greek children have not opposed the successive recommendations of the General Assembly for the solution of the problem of repatriating these children;

"3. Expresses deep regret that, except for Yugoslavia, none of the harbouring States has complied with these recommendations;

"4. Condemns the failure of the harbouring States other than Yugoslavia to co-operate in efforts to enable the Greek children to return to their homes;

"5. Decides to discontinue the Standing Committee on the Repatriation of Greek Children, and agrees to the suspension of the work of the International Committee of the Red Cross and the League of Red Cross Societies—with the exception of the activities referred to in paragraph 7 below—until such time as conditions making practical action by the Red Cross possible and useful are established;

"6. Notes with satisfaction that further groups of Greek children have been repatriated from Yugoslavia;

"7. Requests the International Committee of the Red Cross and the League of Red Cross Societies to continue their work in Yugoslavia until all children have been repatriated."

H. WORK OF THE BALKAN SUB-COMMISSION OF THE PEACE OBSERVATION COMMISSION

The Sub-Commission on the Balkans was established by the Peace Observation Commission on 23 January 1952 at the request of the General Assembly.[77]

At its first meeting in Paris on 31 January the Sub-Commission decided, in accordance with its terms of reference and at the request of Greece, to send observers to the frontier areas of that country. It invited the Member States represented on the Sub-Commission—Colombia, France, Pakistan, Sweden and the United States—each to make an observer available to the Sub-Commission. The United Kingdom, furthermore, was invited to make an observer available to serve as principal observer. The Governments concerned took action accordingly.

At its next meeting on 2 May in New York, the Sub-Commission took note of the first situation report from the observers and approved various provisional instructions. The observers were requested to forward periodic general reports giving a factual and technical appraisal of the situation. Matters regarded as of particular importance were to be the subject of special reports. The observers were instructed to report on incidents to which the Greek Government called their attention, and also, in so far as they were clearly in a position to do so, to report on incidents which had been the subject of complaints by Albania or Bulgaria in communications to the Secretary-General. A number of such complaints were received during 1952. Albania and Bulgaria did not during the year admit the observers to their territories.

Apart from the periodic reports, which noted a generally quiet situation along the Greek frontier, the observers also submitted special reports on three occasions in 1952: one regarding a frontier incident on the Greek-Albanian frontier on 16 July in which a Greek citizen was killed (A/CN.7/SC.1/17); another regarding some frontier incidents occurring on 26 and 27 July along the Evros river on the Greek-Bulgarian frontier during which four Greek citizens were killed (A/CN.7/SC.1/29); and a third report regarding an incident on 12 August in the Belles Mountains on the Greek-Bulgarian frontier during which two Greek soldiers were killed (A/CN.7/-SC.1/35).

The Balkan Sub-Commission took note of the various reports from the observers, but did not find it necessary to report to the Peace Observation Commission during 1952. On 12 December 1952, the Peace Observation Commission decided to continue the Sub-Commission with the same authority and the same membership (A/CN.7/8).

I. TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

The question of the treatment of people of Indian origin in the Union of South Africa was first brought before the General Assembly by India in 1946, and was discussed at the first, second, third, fifth and sixth sessions. None of the resolutions adopted by the Assembly had been implemented before the opening of its seventh session.

On 12 January 1952, during its sixth session, the General Assembly adopted resolution 511 (VI) recommending the establishment of a commission of three members to assist the parties, namely India, Pakistan and the Union of South Africa, in carrying through appropriate negotiations.[78] If members of the commission were not nominated by the parties, the Secretary-General was requested, at his discretion, to assist them with a view to facilitating negotiations and, after consulting the Governments concerned, to appoint an individual for the purpose. The resolution stipulated that the question should be included in the agenda of the Assembly's seventh session.

1. Report of the Secretary-General

In a special report (A/2218) on 10 October 1952, the Secretary-General informed the General Assembly of developments since the adoption of resolution 511 (VI) including the failure of the parties concerned to nominate members to the proposed commission. On 22 February 1952 the

[77] See Y.U.N., 1951, pp. 14, 328-30.

[78] See Y.U.N., 1951, p. 353. One member was to be nominated by the Union of South Africa, one jointly by India and Pakistan, and the third by the other two members or, in default of agreement between them within a reasonable time, by the Secretary-General.

Union of South Africa informed the Secretary-General that it was not able to accept the terms of the resolution, as it constituted interference in a matter which was essentially within the Union's jurisdiction, but expressed readiness to participate in a round-table conference on the basis of the formula agreed to at Capetown in February 1950, a formula which allowed the widest freedom of discussion to all parties without any further conditions.

India, on 27 February 1952, indicated that, for reasons previously explained, it could not agree to the resumption of the negotiations on the basis proposed by the Union's Government. The reasons included refusal of the Union not to add to the disabilities of persons of Indian origin pending the proposed round-table conference. It added that, in view of the Union's reply, the nomination of the joint representative of India and Pakistan on the proposed commission could serve no useful purpose.

On 3 March 1952 Pakistan stated that, in view of the conflicting and irreconcilable points of view contained in the communications from the Union Government and India, it was clear that no useful purpose would be served by nominating the joint representative.

Subsequent consultations with representatives of the three Governments concerned and with those of other Governments forced the Secretary-General, the report stated, to the conclusion that there was at present no possible solution to the problem and that, consequently, the appointment of an individual under the terms of paragraph 3 of resolution 511(VI) was not yet opportune.

The special report concluded by stating that in late September 1952 the three Governments concerned informed the Secretary-General of their recent positions regarding resolution 511(VI), positions which were substantially the same as those taken in the course of the debate at the Assembly's sixth session.

Pursuant to resolution 511(VI), the question was placed on the provisional agenda of the Assembly's seventh session. At the 79th meeting of the General Committee, on 15 October, and at the 380th plenary meeting, on 16 October 1952, the representative of the Union of South Africa argued that the subject was not one which could be appropriately considered by the Assembly because it concerned a matter essentially within the domestic jurisdiction of the Union of South Africa.

The General Committee recommended its inclusion. The General Assembly, by 46 votes to one, with 6 abstentions, rejected a formal proposal of the representative of the Union Government to exclude the item from the agenda. It then referred the question to the Ad Hoc Political Committee which considered it at its 8th to 12th meetings from 3 to 11 November 1952.

2. Consideration by the Ad Hoc Political Committee

Opening the debate in the Ad Hoc Political Committee, the representative of the Union of South Africa stated that Article 2, paragraph 7, of the Charter debarred the Assembly from considering the matter since it fell wholly within the domestic jurisdiction of his Government. He could not, therefore, deal with the merits of the question. Certain facts, however, should be reiterated in order that the "complaint"—or, to be more correct, the "campaign"—against the Union of South Africa might be seen in its true colours. While the Charter, as drafted in San Francisco, remained unchanged, his Government would continue its stand and would not consider itself bound to give effect to Assembly resolutions on the matter.

What could the United Nations gain, he asked, by continuing year after year to adopt resolutions which, because they were unconstitutional, his Government could not accept?

The Union Government, he pointed out, had repeatedly indicated its willingness to enter into direct negotiations on the matter with India and Pakistan on the basis of the formula agreed upon between the three Governments in Capetown in 1950. Did India sincerely desire to achieve a solution on the matter, he asked, or was it merely endeavouring to keep the issue before the United Nations in order to further its own political interests? Not once since 1946 had India given any real proof that it wished to seek an amicable settlement. On the contrary, it had applied trade sanctions against South Africa and resorted to tactics which gave world opinion a distorted picture of the facts and encouraged intransigence among people of Indian origin in that country.

Despite the alleged hardships to which they were being subjected, the people of Indian origin continued to remain in the country even though the South African Government had offered to provide them with free passage to India and to pay them a special allowance.

By affording India an annual opportunity to pursue its vendetta against the Union of South Africa, the United Nations was not acting in the interest of international peace and goodwill. He

hoped that the Committee would state clearly that the Assembly did not intend to permit the United Nations to be used, unconstitutionally and improperly, as a propaganda forum for the promotion of a campaign of vilification against a Member State.

The representative of India reviewed her country's attempts since 1946 to solve the problem by direct negotiations. In accordance with resolution 265(III) it had been agreed in Capetown in 1950 to convene a round-table conference to explore all possible ways and means of settling the question. That conference had not taken place, she stated, because the Union Government had continued its policy of racial discrimination not only by its action under the Asiatic Land Tenure Amendment Act of 1949 but also by the adoption of a new racial segregation law known as the Group Areas Act. The Union Government had ignored the request of India and Pakistan to delay the enforcement of the latter Act so that the purpose of the proposed conference would not be defeated.

In resolutions 395 (V) and 511(VI) the General Assembly affirmed that a policy of racial segregation (apartheid) was necessarily based on doctrines of racial discrimination and made various recommendations for the purpose of assisting the parties to carry through appropriate negotiations, meanwhile calling upon the Union Government to refrain from the implementation of enforcement of the Group Areas Act. The South African Government, the representative of India declared, had refused to enter into any negotiations with the Governments of India and Pakistan. It was pursuing a policy of denying elementary human rights and fundamental freedoms, systematically and deliberately, to the vast majority of its non-white nationals, and events in South Africa were moving rapidly towards inevitable catastrophe. Race tension was increasing dangerously. India believed it to be its duty to plead once more before the Assembly the cause of the non-white nationals of the Union of South Africa and, in particular, that of the people of Indian origin, who were victims of that Government's policy of racial segregation. In the face of the rapidly deteriorating situation resulting from the enforcement of laws which violated the fundamental principle of the Charter, the Indian representative called on the Assembly to make a new attempt to seek an amicable settlement of the problem. India hoped that the pressure of world opinion, exercised through the United Nations, would induce the Union Government to collaborate in the quest for a solution. It was the duty of the United Nations to defend human values and fundamental human rights without distinction of colour, race or religion. Otherwise, its prestige and authority would be seriously impaired.

Accordingly, at the eighth meeting of the Ad Hoc Political Committee on 3 November, the representative of India introduced a draft resolution (A/AC.6l/L5/Rev.l), sponsored jointly by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen. Under that draft resolution the General Assembly would:

(1) note that the Government of the Union of South Africa had continued to enforce the Group Areas Act in contravention of resolutions 395(V) and 511(VI) and would establish a United Nations Good Offices Commission with a view to arranging and assisting in negotiations between the parties to solve the dispute in accordance with the principles and purposes of the Charter and the Universal Declaration of Human Rights; and (2) call upon the Union Government to suspend implementation of enforcement of the Group Areas Act pending the conclusion of such negotiations and would include the item in the agenda of the eighth session.

At the twelfth meeting on 11 November the sponsors added a clause stating that the members of the Good Offices Commission should be nominated by the President of the General Assembly.

The representative of Pakistan noted that the question of competence of the United Nations had once again been raised by the Union of South Africa in spite of the decisions taken on the question by the overwhelming majority at previous sessions of the General Assembly. He recalled that only two delegations had voted against resolution 511(VI). Consequently, he said, the question of competence should no longer be raised. The fact that fifteen Governments were jointly sponsoring a draft resolution should be regarded by the Union of South Africa as a sign of the times. That Government must ask itself why the resolutions on the question were adopted by an increasing number of votes each year. It was in pursuance of certain moral principles which actuated the larger part of humanity that the question had been again submitted to the United Nations.

It was not possible, he declared, to reconcile the Group Areas Act adopted in June 1950 with resolution 103(I) of the Assembly whereby the Member States had pledged themselves to take the most prompt and energetic steps in order to put an immediate end to racial discrimination in the world. Articles 2 and 3 of the Act established a distinction according to colour among the Union's inhabitants in order to determine their right to occupy or own property in a given region.

That constituted racial discrimination designed to segregate various elements of the population.

The question was the action to be taken by the United Nations. The Assembly had already recommended direct negotiation between the parties, and it was proposed that that recommendation should be renewed. The Government of Pakistan would be happy to participate in such negotiations. Unfortunately this had hitherto been impossible because the Union Government had not agreed to even a temporary halt in the passage or enforcement of the Group Areas Act, which would have been a necessary condition for successful negotiations. He reviewed the failure of the measures envisaged in resolution 511 (VI) and declared that, despite the failure of these very moderate measures, the United Nations must not give up, but must adopt energetic measures to end religious persecution and racial discrimination in accordance with resolution 103(I).

Assertions by the Union of South Africa that any action by the United Nations would constitute interference should not cause the United Nations to drop the question, he said. The Assembly could not cast aside the Universal Declaration of Human Rights; it should reaffirm the principles on which the United Nations was founded. Moreover, it was impossible to say that the stand of any Government would never change. His Government did not give up hope that the Union Government would eventually accede to the United Nations appeal. It was for these reasons that Pakistan had associated itself with the other sponsors of the draft resolution.

Speaking in full support of the draft resolution, the representatives of Afghanistan, Burma, Cuba, Egypt, Ethiopia, Guatemala, Haiti, Indonesia, Iran, Iraq, Lebanon, Liberia, the Philippines, Poland, Saudi Arabia, Syria, the USSR, Uruguay and Yugoslavia emphasized that there could be no question of the competence of the General Assembly. The previous resolutions on the matter showed that the Assembly considered the question a matter of international concern. These representatives strongly objected to the South African Government's policy of racial discrimination and segregation as an offence to human dignity and a clear violation of the Charter and the Universal Declaration of Human Rights. Disregard by that Government of the Assembly's repeated recommendations was a direct challenge to principles which the Union Government had undertaken to respect, they said. They denied that there was any intention to interfere in the domestic affairs of the Union of South Africa, or any feeling of hostility or ill-will towards the Union Government, and considered the draft resolution a moderate and conciliatory one designed to find a solution to the existing deadlock and offering a practical approach towards a peaceful settlement. All urged an early resumption of negotiations and expressed hope that the Union would realize the gravity of the deteriorating situation and would co-operate with the United Nations in bringing about a solution of the problem. Several supporters considered that the Union Government's policy would inevitably lead to disturbances and was a potential threat to international peace and security.

The representative of Afghanistan asserted that the Union Government's policy of racial discrimination and segregation contained the seeds of destruction of South African society. Its economic structure had been built on the labour of the non-white population and the unity of the country depended on the harmonious co-operation of individuals and groups in ensuring the voluntary and continuous exchange of goods and services. Thus, apart from moral and humanitarian considerations, it was primarily in South Africa's own interest to put an end to its unfair racial policy.

The representative of Mexico stated that a truly democratic society was still an ideal towards which all peoples strove, but which was still far from realization anywhere. The Committee was merely seeking a reasonable and practical solution for a problem which threatened to weaken the cordial relations which existed with the Union of South Africa.

The representative of Poland declared that the essence of the South African Government's laws, which violated fundamental rights and were permeated by a spirit of fascism, was the degradation of human beings, a weapon in a calculated campaign to maintain the non-whites in a position of economic subservience. His country's own experience made it protest all the more vigorously against racial discrimination. The attempt of the Union Government to perpetuate its policies was doomed to failure in a world where oppressed peoples were clamouring for liberation. South Africa could not stem that tide by terror, he said.

World opinion looked to the United Nations to remedy this state of affairs, said the representative of Haiti; by its dilatory action, the Organization ran a risk of undermining its own prestige.

In expressing support of the draft resolution and its desire for a peaceful settlement of the

question in accordance with the Charter, the representative of the USSR said that his Government's position was dictated by one of the fundamental principles of its policy: equality of political, economic and cultural rights for all without distinction of race. He stated that the question of the treatment of people of Indian origin in the Union of South Africa could not be considered as being exclusively within the domestic jurisdiction of the Union of South Africa as it involved violation of bilateral agreements concluded in 1927 and 1932 between the Government of India and the Union of South Africa, thereby making the matter one of international concern. The South African Government, by its attitude and its policy, was violating Article 1, paragraphs 2 and 3, of the Charter. That South Africa was practising racial discrimination in violation of paragraph 2 of that Article, he stated, was not denied by the South African representative and was proved by the texts of paragraphs 2(1) and 4 (2) of the Group Areas Act.

While stating that they would vote in favour of the draft resolution, the representatives of Brazil, China, Ecuador and the United States opposed some of its provisions, particularly the fourth paragraph of the operative part calling for the suspension of the Group Areas Act.

The representative of the United States favoured conciliation rather than recrimination. He pointed out that to translate ideas into realities in the field of human relations was a long and difficult task. Despite difficulties, the direction was clearly marked by the Charter. The test was not just how bad conditions were in a country, but whether efforts were being made there to improve those conditions. There appeared to be a serious difference, he thought, between the national policy of South Africa and the whole current of modern philosophy and scientific knowledge and the line of conduct endorsed in the Charter. His Government hoped that the discussion might create an atmosphere favourable to negotiations. The United Nations should not attempt to impose any solution. Progress could be hoped for only to the extent that the parties were willing to confer. Resolutions should not be such as to excite adverse nationalist reactions, but ought rather to follow the path of accommodation through negotiation. While the United States would support the draft resolution as a whole, it felt it contained certain doubtful provisions. It was inadvisable to censure a piece of national legislation and appear to set a condition preceding negotiations between the parties.

While supporting the draft resolution, the representatives of El Salvador, Israel and Mexico suggested that the resolution be framed so as to be more readily acceptable to the Union of South Africa. The representative of Israel said that the primary concern should be to bring the parties into direct negotiation so that they might find a ground for understanding rather than express feelings and convictions. No good offices commission could reach a settlement if the parties refused to engage in direct negotiations.

The representatives of Denmark, Norway and Sweden likewise supported the resolution but said that they would abstain on the fourth paragraph concerning the suspension of the Group Areas Act. This paragraph, they considered, was not worded in such a way as to facilitate renewal of negotiations in a friendly atmosphere. The representative of Denmark suggested a number of deletions.

Expressing doubts about the competence of the Assembly and opposition to some provisions of the draft resolution, particularly its references to the Group Areas Act, the representatives of Argentina, Australia, Belgium, Colombia, France, the Netherlands, New Zealand, Turkey and the United Kingdom indicated that, while anxious that the parties open direct negotiations, they would abstain from voting on the draft resolution.

The United Kingdom was anxious lest, while examining delicate questions involving the domestic policy of any State, the Ad Hoc Committee run the risk of increasing tension between the countries concerned instead of promoting friendly relations, its representative declared. The legal situation was far from clear. Parts of the resolutions adopted by the Assembly, he considered, constituted intervention in matters within South Africa's domestic jurisdiction. It was difficult to ascertain whether by reason of earlier agreements between the governments concerned the problem went beyond the national competence of the Union and the United Nations was justified in considering it.

The representative of France observed that, despite good intentions, the draft resolution was not likely to offer a solution but rather to delay it. His Government remained convinced that a solution acceptable to all could only be reached through direct negotiation among the parties to the dispute.

The representative of Australia considered the matter outside the competence of the United Nations. He declared that the fact that the question had been the subject of Assembly resolutions

in no way implied that it was no longer the domestic jurisdiction of the State directly concerned. It was not sufficient to point to certain Articles of the Charter to justify the consideration of questions which, even if of international interest, were nevertheless a domestic concern. Article 2, paragraph 7, by reason of its position in the Charter, governed the application of all the other Articles.

A change of public opinion within a country was never, he remarked, a rapid process and could not be hastened as the result of the intervention of other countries. Aside from the merits or demerits of the law on which the Assembly was being asked to pass judgment, the Australian representative emphasized the explosive and undesirable consequences of exploiting racial issues in the United Nations. They could not be ignored but their solution required great wisdom and tolerance and could only be usefully discussed by those directly concerned. He believed that the parties should be urged to open direct negotiations.

At the conclusion of the debate, the South African representative expressed appreciation of the friendly sentiments which had been expressed towards his country by a number of delegations. His Government again urged that the provisions of Article 2, paragraph 7, of the Charter be respected. Its attitude was based on that fundamental principle which governed relations between the Organization and its Members. His delegation would have to vote against the joint draft resolution.

He repeated his Government's willingness to discuss with India and Pakistan possible ways and means of settling the matter. It was prepared to reopen direct negotiations on the understanding that these would not involve any departure from or prejudice to the standpoint of the respective Governments in regard to the question of domestic jurisdiction. Such talks, while not related to any Assembly resolutions, would permit the parties to hold a full, free and unfettered discussion.

The representative of India concluded the discussion by saying that the sponsors did not feel that the provisions of the draft resolution could be amended. She said that the representative of South Africa had implied that India had refused to reopen negotiations with the Union. However, when the preliminary talks had been held at Capetown in 1950, it had appeared that the Union had meant to discuss only the repatriation of people of Indian origin and not the removal of the discriminatory measures to which they were subject. That was one of the main reasons why negotiations had been broken off. That this was his Government's only interest was demonstrated by the South African representative's silence when asked whether his Government would be prepared to repeal the Group Areas Act if the proposed negotiations resulted in an understanding.

Concerning the charges that the Indian Government had applied economic sanctions, she recalled that trade relations between India and South Africa had been broken off in 1946 by the United Kingdom. The charge of an Indian vendetta against the Union could not be taken seriously in view of the grave concern shown during the discussion by the vast majority of the Member States.

The Ad Hoc Political Committee at its 12th meeting on 11 November adopted the joint draft resolution, paragraph by paragraph, by votes ranging from 42 to 1, with 12 abstentions, to 30 to 12, with 16 abstentions, the latter a roll-call vote on the fourth operative paragraph, concerning suspension of the Group Areas Act.

The draft resolution as a whole was adopted by 41 votes to 1, with 16 abstentions.

3. Consideration by the General Assembly in Plenary Session

The report (A/2257) of the Ad Hoc Political Committee was considered by the General Assembly at its 401st plenary meeting on 5 December 1952. The draft resolution was adopted by a roll-call vote of 41 to 1, with 15 abstentions. The vote was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian SSR, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian SSR, USSR, United States, Yugoslavia.

Against: Union of South Africa.

Abstaining: Argentina, Australia, Belgium, Canada, Colombia, Dominican Republic, France, Greece, Luxembourg, Netherlands, New Zealand, Peru, Turkey, United Kingdom, Venezuela.

After the vote, the representative of India said that the continuous disregard by South Africa of previous resolutions of the General Assembly was not calculated to increase confidence in the United Nations. The Assembly was aware of the grave deterioration of the situation in South Africa. His delegation still hoped that the Union would respond to the overwhelming desire of the Assembly. His delegation sought negotiation, con-

ciliation and a peaceful settlement and would persevere in the hope that the conscience of the world would find an echo in South Africa.

The representative of the Union of South Africa concluded the discussion by restating his position. Article 2, paragraph 7, of the Charter denied the Organization the right to intervene in a matter which was essentially within the domestic jurisdiction of his Government. The matter with which the resolution dealt was undeniably such a matter. His Government was not prepared to settle it under the Charter. India knew that all it had to do was to come and discuss the matter outside the Organization and divorced from any resolutions taken by the Organization. That was the standing offer of his Government.

The text of the resolution adopted (615 (VII)) read:

"The General Assembly,

"Recalling its resolutions 44(I), 265(III), 395 (V) and 511 (VI) relating to the treatment of people of Indian origin in the Union of South Africa,

"Noting that the Government of the Union of South Africa has expressed its inability to accept General Assembly resolution 511 (VI) in respect of the resumption of negotiations with the Governments of India and Pakistan,

"Noting further that the Government of the Union of South Africa has continued to enforce the Group Areas Act in contravention of the terms of General Assembly resolutions 511 (VI) and 395 (V),

"1. Establishes a United Nation Good Offices Commission consisting of three members to be nominated by the President of the General Assembly, with a view to arranging and assisting in negotiations between the Government of the Union of South Africa and the Governments of India and Pakistan in order that a satisfactory solution of the question in accordance with the Purposes and Principles of the Charter and the Universal Declaration of Human Rights may be achieved;

"2. Requests the Good Offices Commission to report to the General Assembly at its eighth session;

"3. Requests the Secretary-General to provide the members of the Commission with the necessary staff and facilities;

"4. Calls upon the Government of the Union of South Africa to suspend the implementation or enforcement of the provisions of the Group Areas Act, pending the conclusion of the negotiations referred to in paragraph 1 above;

"5. Decides to include the item in the provisional agenda of the eighth session of the General Assembly."

At the 411th plenary meeting on 22 December the President of the General Assembly announced the appointment of Cuba, Syria and Yugoslavia as members of the Good Offices Commission.

J. THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA

On 12 September 1952 Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen requested (A/2183) that the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa be placed on the agenda of the seventh session of the General Assembly.

An explanatory memorandum stated that this race conflict in the Union of South Africa was creating a dangerous and explosive situation, which constituted both a threat to international peace and a flagrant violation of the basic principles of human rights and fundamental freedoms enshrined in the Charter. The memorandum said that under the policy of apartheid, which implied a permanent white superiority over the 80 per cent of the population who were non-whites, the following measures were being taken: segregation of races under the notorious Group Areas Act, complete segregation in public services, suppression of democratic movements advocating racial equality under the Suppression of Communism Act, barring of non-whites from combat service, withholding of voting or other political rights from non-whites except in Cape Province, confinement of Africans to reserves and restriction of their movement, exclusion of non-whites from skilled work under the Mines Works Amendment Act and provision of vastly inferior educational and housing conditions for non-whites. The policy of apartheid not only challenged all that the United Nations stood for but was contrary to specific and repeated recommendations in Assembly resolutions 103(I), 217(III), 395 (V) and 511 (VI) urging the ending of racial discrimination. Unable to secure redress by constitutional methods, the non-whites of the Union had been compelled to launch a non-violent resistance movement against unjust and inhuman racial policies. It was therefore imperative, the memorandum concluded, that the General Assembly urgently consider the question so as to prevent further deterioration and effect a settlement in accordance with the Charter.

At the 79th meeting of the General Committee on 15 October, the representative of the Union of South Africa protested formally against the inclusion of the item in the agenda. After hearing statements from the representatives of India,

Iraq and the United Kingdom the Committee recommended that the item be included.

On 17 October the General Assembly, at its 381st plenary meeting, considered the recommendation of the General Committee. The representative of the Union of South Africa, supported by the representatives of Australia and the United Kingdom, challenged the competence of the Assembly to consider the item and asked that the Assembly decide upon that question before voting on the recommendation of the General Committee to include the item in the agenda. Under rule 80[79] of the rules of procedure, he introduced a draft resolution (A/L.108) to the effect that the Assembly, having regard to Article 2, paragraph 7, of the Charter, should decide that it was not competent to consider the item.

The representatives of Chile and Iraq stated that all questions relating to human rights were within the Assembly's competence. Moreover, the representative of Chile argued, the question before the Assembly was the Committee's recommendation for inclusion of the item in the agenda, not the question of competence which could be discussed only after the item was on the agenda. The President ruled that the proposal of the Union of South Africa was in order. After an appeal against the President's ruling, the latter was over-ruled by a roll-call vote of 41 to 10, with 8 abstentions. The voting was as follows:

In favour: Australia, Belgium, Canada, France, Luxembourg, Netherlands, New Zealand, Union of South Africa, United Kingdom, United States.

Against: Afghanistan, Argentina, Bolivia, Burma, Byelorussian SSR, Chile, China, Colombia, Costa Rica, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yemen, Yugoslavia.

Abstaining: Brazil, Cuba, Dominican Republic, Greece, Iceland, Israel, Nicaragua, Turkey.

The representative from South Africa then moved that the item should be excluded from the agenda on the ground that the United Nations was not competent to deal with or even discuss the matter. The General Assembly, by a vote of 45 to 6, with 8 abstentions, decided to accept the General Committee's recommendation to include the item in the agenda.

At its 382nd meeting on 17 October, the General Assembly referred the item to the Ad Hoc Political Committee which considered the question at its 13th to 21st meetings from 12 to 20 November 1952.

1. Consideration by the Ad Hoc Political Committee

The representative of the Union of South Africa outlined the factors which, in his Government's opinion, should preclude discussion of the item. Article 2,[80] paragraph 7, absolutely prohibited any intervention by the United Nations in the domestic affairs of Member States, with the single exception of the application of enforcement measures by the Security Council under Chapter VII.[81] The word "intervene" was not used, he argued, in the narrow restrictive sense of dictatorial interference but included such interference as the discussion of, and passing of resolutions by the Assembly on, the essentially domestic affairs of a Member State. Even the right of discussion conferred on the Assembly by Articles 10 and 11[82] could not be invoked if the discussion constituted such intervention.

The Charter, he argued, left it to each Member individually to decide upon the methods of achieving such objectives mentioned in Article 55 as higher standards of living, full employment and respect for human rights. Action at an international level, on the other hand, was to be taken only by agreement between States. The pledge of international co-operation given in Article 56 to promote the purposes of Article 55 did not diminish the right of States to repel interference in their domestic affairs, or authorize the United Nations to take dictatorial action by way of discussion or resolutions.

Neither the Charter nor the Declaration of Human Rights, which set a standard for future achievement, nor any other international instrument contained a binding definition of human rights against which the actions of the South African Government could be tested.

It had been further alleged, he said, that conditions in South Africa constituted a threat to the peace. But such a threat could exist only when the territorial integrity or political independence of another State was threatened. It was both unrealistic and mischievous to allege the existence of such a threat in consequence of legitimate State action designed to deal with purely domestic matters which did not affect the legitimate in-

[79] Rule 80 states that any motion calling for a decision on the competence of the General Assembly to adopt a proposal submitted to it shall be put to a vote before a vote is taken on the proposal in question.

[80] For text of this Article, see p. 10.

[81] Chapter VII concerns action with respect to threats to the peace, breaches of the peace, and acts of aggression.

[82] For text of these Articles, see p. 11.

terests and rights of other states. If the Committee could be led to believe that racial or other forms of segregation—which existed in a large number of countries—education, housing, conditions of recruitment for the armed services, the administration of justice and other matters referred to in the memorandum were not entirely within the domestic jurisdiction of a State, then the same must hold good for matters such as tariff, immigration and fiscal policies which certainly affected relations between States but which nevertheless continued to be the sole responsibility of the individual government concerned.

Article 2, paragraph 7, he said, served as a counter-balance to the absolute right of veto of the Great Powers and granted to the small nations protection of their inherent right freely to manage their domestic affairs. But for the compromises exemplified for the Great Powers by the right of veto and for the small Powers by Article 2, paragraph 7, there could have been no Charter.

Until such time as the Charter was amended by constitutional means, it must remain inviolate. It would be wise and statesmanlike to reflect carefully before taking any steps likely to result in the disintegration of the United Nations which could still become the greatest bulwark of world peace and security.

Accordingly, the South African representative introduced a motion (A/AC.61/L.6 and Corr.1), under rule 120 of the rules of procedure, whereby the Committee, having regard to Article 2, paragraph 7, would find that it had no competence to consider the item.

The representative of India stressed that the issue of competence could not be considered until the Committee had been enabled to weigh that issue against the background of the facts of apartheid policy as practised by the Union of South Africa. Apartheid policy, she declared, sought to force the 80 per cent of the population who were non-white into perpetual economic and social servitude by racial discrimination and segregation in violation of human rights and fundamental freedoms and of the principles of the Charter.

After reviewing the principal legislative acts adopted to implement that policy, the Indian representative declared that the non-white population, deprived of legal means to seek redress of its grievances, had begun a campaign of passive resistance. Selected volunteers, after advance notice to the police authorities, defied various laws and regulations deriving from the apartheid policy. Over 7,000 persons had sought arrest and been sentenced to imprisonment. Despite great provocation by the police and fanatical white elements, the peaceful character of the movement had been maintained.

The international implications of South African policies, she observed, were clear to all Member States which had pledged themselves to uphold basic principles of the Charter concerning the observance of human rights. The situation was imperilling the entire continent of Africa. Unless the United Nations acted rapidly, the world would be threatened with a new conflict.

India, she concluded, would welcome a study of the situation with a view to assisting the South African Government to resolve it on a humanitarian and rational basis of mutual toleration and understanding among all racial groups. It did not seek to condemn South Africa; it harboured no rancour; it sought only to end a situation as degrading to those who enforced the discrimination laws as to the victims. In addition to the South African motion (see above), the Committee had before it:

(1) An eighteen-Power joint draft resolution by Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Philippines, Syria, Saudi Arabia and Yemen (A/AC.61/L.8/Rev.l), by which the General Assembly would:

(1) note the communication (A/2183) by thirteen Members on the question of race conflict in South Africa; (2) state that one of the purposes of the United Nations was to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedom for all; (3) recall its resolution 103(I) calling on all governments to take energetic steps to end religious and so-called racial persecution; (4) refer to its resolutions 395(V) and 511(VI) holding that a policy of apartheid was based on doctrines of racial discrimination; and (5) state that international co-operation could not be furthered and that international peace might be disturbed by policies of racial discrimination and persecution. In its operative part the draft resolution would have the Assembly: (1) establish a commission to study the international aspects and implications of the racial situation in the Union of South Africa in the light of the Charter and the resolutions of the United Nations on racial persecution and discrimination, and to report its findings to the eighth session of the Assembly; (2) invite the Union of South Africa to co-operate with the commission; and (3) decide to retain the question on the agenda of the eighth session.

(2) A joint draft resolution by Denmark, Iceland, Norway and Sweden (A/AC.61/L.12) which consisted of the first three paragraphs of the eighteen-Power joint draft resolution and four new paragraphs.

These four new paragraphs, which had originally been moved as an amendment (A/AC.61/L.9) to the eighteen-Power draft to replace the last two paragraphs of the preamble and all but the last paragraph of the operative part, would have the General Assembly, recognizing that the methods of Members for giving effect to their Charter pledges might vary with circumstances such as the social structure of the States concerned and the different stages of development of the various groups within the country:

(1) declare that in a multi-racial society, respect for human rights and the peaceful development of a unified community were best assured when patterns of legislation and practice were directed towards ensuring equality before the law of all persons, and when economic, social, cultural and political participation of all racial groups was on a basis of equality; (2) affirm that governmental policies not directed towards those goals were inconsistent with pledges of Members under Article 56 of the Charter; and (3) call upon all Members to bring their policies into conformity with their Charter obligations to promote the observance of human rights and fundamental freedoms.

The representatives of Denmark, Norway and Sweden explained the position of the Scandinavian countries. While they could not subscribe to the rather extreme position taken by the South African representative on the Assembly's competence, they could not agree, also, to all the provisions of the eighteen-Power draft resolution. They felt that the United Nations, in matters of racial discrimination, could make recommendations but was not competent to prescribe specific measures to be imposed on a State. The establishment of a fact-finding commission, they considered, was a step on which the Assembly lacked jurisdiction. Moreover, such a commission was not likely to achieve any practical results. These representatives affirmed the competence of the Assembly to discuss the question, stating that the Charter imposed on Members the obligation not to bar discussion or adoption of recommendations by the United Nations on their policies in the field of human rights. They cited previous Assembly recommendations on racial policies of Member States as well as recommendations for the investigation of alleged forced labour, despite objections regarding competence.

As regards the merits of the question, the representative of Norway stated that he could not accept the South African representative's contention that the matters complained of did not constitute a violation of human rights and fundamental freedoms as laid down in the Charter. Mere reading of the Group Areas Act, he maintained, appeared to justify the claim that the Act legalized actions which all Member States had pledged to abandon.

(3) The following amendments to the eighteen-Power joint draft resolution were also placed before the Committee:

(a) An amendment by Brazil (A/AC.61/L.10) which would alter the terms of reference of the proposed commission by directing it to study the racial situation in the Union of South Africa "with due regard to the provisions of Article 2, paragraph 7", and to report its "conclusions" instead of its "findings" to the General Assembly. The representative of Brazil explained that the proposed amendment was to remove all misunderstanding concerning the powers of the proposed commission and the competence of the Assembly. The Committee, he said, must respect the limitation imposed upon it by the Charter and must not encroach upon the domestic jurisdiction of States.

(b) An amendment by Ecuador (A/AC.61/L.11) which would: (1) eliminate from the study of the proposed commission examination of "the international aspects and implications of" the racial situation in order, as its representative said, to make the proposal less controversial; (2) delete the last paragraph of the preamble which, he stated, prejudged the question to be studied by prescribing a strong criterion for that study; and (3) also delete the last operative paragraph providing for retention of the question on the agenda of the eighth session.

(c) An amendment by Israel (A/AC.61/L.13) which would have the proposed commission report "its conclusions to the Secretary-General for transmission to the Members of the United Nations" instead of report "its findings to the eighth session of the General Assembly". The representative of Israel felt that to perpetuate items by placing them on the agenda year after year, without regard to intervening developments, might be harmful and was a practice which should be discouraged.

(d) An oral proposal by Mexico which would supplement the first part of the Brazilian amendment by directing the commission to study the racial situation with due regard not only to the provisions of Article 2, paragraph 7, but also to the provisions of Article 1, paragraph 3, Article 13, paragraph 1 (b), Article 55 (c) and Article 56 of the Charter. The proposed commission would thus, the representative of Mexico said, be given balanced terms of reference; it would have an adequate legal basis on which to operate; it would be taking account of the Charter guarantee against intervention in domestic affairs, on the one hand, and of the Charter guarantees regarding human rights, on the other hand. The representative of Brazil accepted the amendment.

(e) A USSR amendment (A/AC.61/L.15) to the first operative paragraph which proposed that the commission to be set up should study the racial situation not only in the light of the Charter provisions enumerated, but also in the light of Article 1, paragraph 2, which proclaimed that one of the purposes of the United Nations was to develop friendly relations among the nations based on respect for the principle of equal rights and self-determination of peoples.

The representative of India submitted, on behalf of the sponsors, and after consultation with

the representatives of Brazil, Ecuador and Mexico, a revision (A/AC.6l/L.8/Rev.2)[83] of the eighteen-Power joint draft resolution which deleted from the original text the last paragraph of the preamble and amended the terms of reference of the commission proposed in the first operative paragraph, thus incorporating the Brazilian amendment and the first two parts of the Ecuadorean amendment. The representative of Ecuador withdrew the third part of his amendment. At the same time the representative of India suggested on behalf of the sponsors that, so far as the membership of the proposed commission was concerned, the President of the General Assembly should nominate as members three persons from a panel of experts on race relations selected by the sponsors of the draft and submitted to the President before the item was dealt with in plenary meeting.

The representatives of Australia, Belgium, France, New Zealand, and the United Kingdom supported, in general, the position of South Africa on the meaning of the Charter provision on domestic jurisdiction and the nature of international commitments on human rights. They were of the opinion that the policy of apartheid in South Africa was not a threat to the peace and that the suggested Assembly action was both improper and dangerous to the United Nations and unlikely to contribute to a solution of the problem. They held that United Nations interference, even to the extent of discussion, could only exacerbate racial antagonism in the Union of South Africa and might even be harmful to international relations, thus defeating the very purposes which the sponsors of the item had hoped to achieve.

Nothing, it was stated, was more obviously a matter of a country's domestic jurisdiction than the relationship which it had decided to maintain between persons of varying races living within its borders. If the General Assembly was considered in the present instance to be competent under Articles 55 and 56, it must in strict logic be regarded as having jurisdiction to deal not only with human rights but also with the economic, social and cultural activities referred to in Article 55. In other words, no aspect of the internal affairs of a State would be free from interference by the Organization.

Clearly, the purpose of any discussion or resolution was to modify a situation and that was precisely the meaning of the word "intervention". Article 2, paragraph 7, therefore applied to such discussion.

Even if it was argued that the situation in South Africa had become a matter of world interest, it could not be seriously claimed that thereby it became removed from the sphere of domestic jurisdiction to the international jurisdiction of the United Nations. Indignation at policies of racial or social discrimination pursued by certain governments, however well-founded, was not sufficient to make a question a threat to international peace. No flood of refugees had crossed from South Africa to a neighbouring State. On the contrary, statistics indicated that each year 100,000 Africans entered the Union of South Africa of their own free will. Except for New Zealand which abstained on all draft resolutions, these representatives supported the South African draft resolution but abstained on the others.

In reply, the representative of India said that one of the purposes of the United Nations, as stated in Article 1, paragraph 3, of the Charter, was to promote respect for human rights and fundamental freedoms for all. Under Article 10, the Assembly could discuss any question within the scope of the Charter and make recommendations on it to the Members. Moreover, Article 13 required the Assembly to initiate studies and make recommendations to assist in the realization of human rights for all. Under Article 14, the Assembly could recommend measures for the peaceful adjustment of a situation resulting from a violation of the provisions of the Charter. Respect for human rights having been included in the Charter, any infringement of those rights was a matter within the Assembly's competence. Article 55 of the Charter also required the United Nations to promote respect for human rights and fundamental freedoms for all. Its Members had pledged themselves under Article 56 to take action in co-operation with the Organization for the achievement of those purposes. Finally, Article 2, paragraph 2, stated that Members should fulfil in good faith the obligations assumed by them in accordance with the Charter. Thus the provisions of the Charter clearly established the competence of the Assembly to consider the question under discussion. Acceptance of the contention that the Assembly was not competent would open to challenge the validity of all the decisions by the General Assembly relating to the infringement of human rights.

The General Assembly was also empowered to consider the question under Article 11 of the Charter because the situation in South Africa resulting from the policy of apartheid was grave and clearly constituted a threat to international peace, the maintenance of which was one of the

[83] For text see resolution A below as adopted by the General Assembly.

primary purposes of the United Nations. The concept of a threat to peace was not confined to the case of a threat to the territorial integrity and political independence of a State. Flagrant breeches of human rights by the government of a State could have serious repercussions outside that State and could affect international peace.

Turning to the argument that Article 2, paragraph 7, precluded the General Assembly from considering the item, the representative of India said that there were two essential prerequisites to its application. First, there must be intervention by the United Nations and, secondly, the matter in question must be essentially within the domestic jurisdiction of a State.

"Intervention" in this connexion had been authoritatively defined, he said, as a legal measure applied by the United Nations and accompanied by enforcement or threat of enforcement. In his opinion, Article 2, paragraph 7, did not preclude a consideration of situations arising from violations of human rights nor prevent the Assembly from making recommendations on such situations.

Concerning the word "essential" as used in Article 2, paragraph 7, he observed that international law maintained a clear distinction between matters within the domestic jurisdiction of a State and those which had passed into the international domain. A matter ordinarily within the domestic jurisdiction of a State could cease to be so and become the subject of an international obligation if, for example, it formed part of the terms of a treaty. The Charter was a multilateral treaty; the question of human rights and fundamental freedoms had therefore passed into the international domain. Thus the policy of apartheid had become a matter of international concern and could not be treated as being essentially within the domestic jurisdiction.

As neither of the two prerequisites existed necessary to the application of Article 2, paragraph 7, the Assembly was competent to act.

A large majority of the Committee, including the sponsors of the eighteen-Power resolution, joined with India in expressing, with varying degrees of emphasis and frequently with illustrations drawn from their national experience, their moral indignation at the policy of racial inequality in the Union of South Africa. Specifying their views on how it violated the Charter and created conditions which were a threat to international peace, they affirmed the competence of the United Nations and the need for constructive action. Apart from the representatives of the eighteen-Powers sponsoring the joint draft resolution, this majority included the representatives of Bolivia, Brazil, the Byelorussian SSR, Chile, Cuba, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Israel, Mexico, Poland, Saudi Arabia, Syria, the Ukrainian SSR, the USSR, Uruguay and Yugoslavia. They opposed the South African resolution, supported the eighteen-Power draft resolution and abstained on the Scandinavian draft resolution, except for the Byelorussian SSR, Czechoslovakia, Mexico, Poland, the Ukrainian SSR and the USSR which opposed the latter.

Speaking as a sponsor of the eighteen-Power draft resolution, the representative of Pakistan said that by lowering the status of the original inhabitants of South Africa to the advantage of a minority representing the conquerors of that country, the Government of the Union of South Africa was practising a form of colonialism against which a struggle was being waged in the United Nations. The present dispute as regards the Assembly's competence was a part of that struggle. When asked to alter their inflexible policies, the European colonial Powers and their friends immediately raised the issue of United Nations competence. On the other hand, he said, the support of most North and South American countries was heartening. The representative of Pakistan warned the colonial Powers that attempts to enforce their position by raising legal technicalities, by brute force and by inhuman laws would finally result in an inevitable bloody clash. The strong moral right of the African peoples to rebel could not be denied. Fortunately, he concluded, the United Nations possessed the means and the wisdom to transform what would otherwise be a bloody revolution into a bloodless one.

While recognizing that the situations existing in many Member States were very far from the Charter ideal, several representatives, including those of Costa Rica, Cuba, Haiti, Liberia and Uruguay stated that their Governments were doing everything in their power to remedy the situation. Unfortunately the Union of South Africa, on the other hand, it was stated, was taking action that aggravated still further the discrimination existing in that country and refused to discuss the substance of the question. To show that it was possible to achieve co-operation between all the racial groups in a country, representatives cited the examples of Ecuador, Mexico, Indonesia and Haiti. It was said that the Union Government's uncompromising attitude had made such co-operation impossible for the time being.

Many supporters emphasized that they wished to have friendly relations with the Union of South Africa and that they had no intention of intervening in its internal affairs. The eighteen-Power draft resolution, said the representative of Mexico, was not intended to offend or condemn South Africa. Mexico was not voting against any nation but for a principle and against the violation of that principle. The proposed commission, said the representative of Indonesia, was a moderate and realistic approach which would help place the problem in its true perspective.

In expressing their strong support for the eighteen-Power draft resolution, the representatives of the USSR and other Eastern European States particularly stressed the connexion between racial discrimination and colonialism.

The representatives of Czechoslovakia and the USSR stated that the racial policies of the South African Government were designed to perpetuate the colonial domination of its ruling circles over oppressed and exploited peoples. The Union Government's policy, they maintained, represented a systematic and conscious violation of the Charter and its consequences were a threat to international peace and security.

The representative of the USSR added that the proposed commission might not only contribute to a solution of the South African problem, but to the elimination of racial persecution in other countries. He expressed the position of the Eastern European governments when he opposed all amendments attempting to weaken the original text and criticized strongly the Scandinavian draft resolution which, he declared, consisted of pious hopes designed to cover up South Africa's violation of the Charter. His Government vigorously rejected its reflection of the view that, while increasing restrictions were objectionable, existing restrictions might be countenanced.

During the debate, the representative of Liberia proposed that the Committee hear a native of South Africa, Professor Z. K. Matthews, an authorized representative of the African National Congress. The Chairman appealed to him not to press his request in order not to create a precedent by granting a hearing to a private individual in a political committee and because he could have a letter from Professor Matthews circulated as a Committee document. On 19 November, at the request of the delegation of Haiti, a letter (A/AC.61/L.14) from Professor Matthews, dated 17 November, was circulated in which he stated that he had been instructed by his college in South Africa, which had been subjected to warning pressure by the Union Government, not to accept an invitation to appear.

A number of representatives, including those of Canada, China, Peru and the United States, supported the Scandinavian compromise proposal. They expressed the conviction that the United Nations was competent to discuss racial policy of a Member State but questioned the correctness or the desirability, in terms of actually improving race relations in South Africa, of doing more than appeal to all Member States to bring their policies into conformity with the Charter obligation of promoting the observance of human rights.

The representative of the United States maintained that the South African representative's interpretation of Article 2, paragraph 7, narrowed excessively the scope of the Assembly's powers to discuss the vital question of human rights. The representative of Canada added that it also impaired the Assembly's right to make recommendations for the peaceful adjustment of any situation deemed likely to impair friendly relations among nations. They, however, felt that the Assembly should proceed with great caution. The representative of the United States questioned the wisdom of the South African Government, however, in adopting a policy of racial segregation at a time when world trends were against it. He considered that a policy of increased restriction was incompatible with the generally accepted interpretation of the obligations of the Charter.

The representative of Peru felt that, until an effective legal instrument obliging nations to implement human rights had been ratified, the General Assembly, in exercise of what might be called its moral jurisdiction, could do no more than appeal to the goodwill of States to promote their observance. Any coercion would exacerbate South African nationalism and tend to stiffen the resistance of the South African Government.

A number of representatives, including those of Canada, Denmark, Iceland, the Netherlands, New Zealand, Norway, Sweden and Turkey, remarked that they would support a request for an advisory opinion from the International Court of Justice on the question of competence. The representative of Denmark declared that, in the absence of such an authoritative legal opinion and because of the divergence of views on competence, even if the matter was of great concern to many Member States, the General Assembly should proceed with the greatest caution.

In a final statement, the Indian representative said that the facts adduced by the sponsoring

delegations of the eighteen-Power draft resolution had not been controverted. All the arguments against this draft had been on the purely legal ground of competence. Concerning doubts expressed about the establishment and effectiveness of a commission, he said that, even if the Union Government did not co-operate, the commission could still collect and examine legislation and other evidences regarding the problem. It was the duty of the United Nations to study the situation. As to the Scandinavian draft resolution, there seemed little object in reiterating declarations, however praiseworthy, which had already been made in the Charter and in many previous Assembly recommendations. The question before the Committee referred to the specific policy of apartheid in the Union of South Africa and called for a specific solution.

In his concluding remarks, the representative of South Africa described Article 2, paragraph 7, as a safeguard against the use of the United Nations as a means of prosecuting feuds and rivalries in the spotlight of a world organization. Such absolute insurance against intervention was necessary because widely divergent domestic problems could not be solved by a single universal approach. There was as yet no legally binding international instrument on human rights. The Charter called only for their promotion through international co-operation.

Certain representatives, he said, seemed to consider that the Charter might be interpreted to suit changing events. But the United Nations had no right to act as a supra-national organization and to usurp the sovereignty of individual Members. His Government recognized the dynamic nature of the United Nations, but it persisted in its adherence to certain constant principles, such as the San Francisco interpretation of the Charter.

The charge that the alleged happenings in South Africa threatened the peace was without foundation and a reprehensible attempt to persuade the United Nations to intervene in domestic affairs.

It was not true that conditions in South Africa were leading to a general conflagration on the African Continent. If, however, the South African Government were to allow the agitators and their foreign masters to go about their subversive work, the situation might indeed become serious.

On 20 November the Ad Hoc Political Committee proceeded to vote on the draft resolutions and the amendments.

The motion (A/AC.61/L.6) submitted by the Union of South Africa was rejected by a roll-call vote of 45 to 6, with 8 abstentions.

The USSR amendment (A/AC.61/L.15) to the eighteen-Power draft resolution was adopted by 29 votes to 5, with 23 abstentions. The amendment of Israel (A/AC.61/L.13) was rejected by 33 votes to 2, with 23 abstentions. The various paragraphs of the eighteen-Power draft resolution were adopted by votes ranging from 44 to 1, with 12 abstentions, to 32 to 7, with 18 abstentions. The joint draft resolution as a whole, as amended, was adopted by a roll-call vote of 35 to 2, with 22 abstentions.

The Committee then voted, paragraph by paragraph, on the joint draft resolution (A/AC.61/-L.12) submitted by Denmark, Iceland, Norway and Sweden. All paragraphs were adopted except the last paragraph of the preamble recognizing that the methods for giving effect to their Charter pledges might vary with circumstances such as the social structure of the State concerned. That paragraph was rejected by a vote of 20 to 17, with 21 abstentions.

The draft resolution as a whole, as modified, was approved by a roll-call vote of 20 to 7, with 32 abstentions.

2. Consideration by the General Assembly in Plenary Session

The report (A/2276) of the Ad Hoc Political Committee was considered by the General Assembly at its 401st plenary meeting on 5 December 1952. The representative of the Union of South Africa introduced a motion under rule 80 of the rules of procedure by which the Assembly would, in view of the Charter provisions on the question of domestic jurisdiction, declare itself unable to adopt either of the two draft resolutions recommended in the report. The motion was rejected by a roll-call vote of 43 to 6, with 9 abstentions. The voting was as follows:

In favour: Australia, Belgium, France, Luxembourg, Union of South Africa, United Kingdom.

Against: Afghanistan, Bolivia, Brazil, Burma, Byelorussain SSR, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian SSR, USSR, United States, Uruguay, Yugoslavia.

Abstaining: Argentina, Canada, Dominican Republic, Greece, Netherlands, New Zealand, Peru, Turkey, Venezuela.

The Assembly then voted on resolution A recommended by the Ad Hoc Political Committee (originally the eighteen-Power draft resolution).

The first operative paragraph establishing a commission was voted on by roll-call and adopted by 35 votes to 17, with 7 abstentions. Voting was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian SSR, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Panama, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yugoslavia.

Against: Australia, Belgium, Denmark, Dominican Republic, France, Greece, Iceland, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Peru, Sweden, Turkey, Union of South Africa, United Kingdom.

Abstaining: Argentina, Canada, China, Colombia, Paraguay, United States, Venezuela.

The draft resolution as a whole was adopted by a roll-call vote of 35 to 1, with 23 abstentions. Voting was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian SSR, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Panama, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yugoslavia.

Against: Union of South Africa.

Abstaining: Argentina, Australia, Belgium, Canada, China, Colombia, Denmark, Dominican Republic, France, Greece, Iceland, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Sweden, Turkey, United Kingdom, United States, Venezuela.

Before the voting on resolution B (originally the joint draft resolution by Denmark, Iceland, Norway and Sweden), the representative of Mexico expressed opposition to including the first paragraph of the preamble, referring to the specific situation in South Africa, in a resolution which, he said, was a noble general declaration of principles on matters of racial discrimination. He requested a separate vote on that paragraph.

The paragraph was adopted by 25 votes to 10, with 18 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 24 to 1, with 34 abstentions. Voting was as follows:

In favour: Argentina, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, El Salvador, Guatemala, Iceland, Israel, Mexico, Netherlands, Norway, Pakistan, Panama, Paraguay, Peru, Sweden, United States, Uruguay.

Against: Union of South Africa.

Abstaining: Afghanistan, Australia, Belgium, Burma, Byelorussian SSR, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Luxembourg, New Zealand, Nicaragua, Philippines, Poland, Saudi Arabia, Syria, Thailand, Turkey, Ukrainian SSR, USSR, United Kingdom, Venezuela, Yugoslavia.

The representatives of the United Kingdom, France, India, and the Union of South Africa explained their votes.

The representatives of France and the United Kingdom stated that, in the view of their delegations, the placing of the item on the agenda and all discussion on the substance of it was out of order, as the matter was essentially within the domestic jurisdiction of South Africa. They had accordingly abstained from voting on the two draft resolutions except on the first operative paragraph of Draft Resolution A, establishing a commission. They had voted against this paragraph, since they considered it a clear violation of Article 2, paragraph 7, of the Charter.

The representative of India declared that India had abstained on Resolution B because it did not have a direct bearing on the issue of race conflict in South Africa. The Assembly, she continued, could not shut its eyes to the fact that in South Africa there was an ever growing intensification of the policy of racial discrimination through all channels open to a government. Human rights and fundamental freedoms were being denied on the grounds of race and colour to an overwhelming majority by a small minority which retained all the resources of the State in its hands. All Member States must rally whenever the principles and purposes of the Charter were challenged. Africa and Asia would no longer accept the indignities imposed on them in the name of a white civilization. The demand was for a human civilization based on the universal standards of the Charter.

The representative of the Union of South Africa stated that, in adopting the two resolutions, the Assembly had not only denied to his Government its rights under the Charter but had clearly established a precedent in consequence of which it would in future seek to intervene by discussion and the adoption of resolutions on any matter of purely domestic concern. He had been instructed by his Government, he said, to state that it would continue to claim the protection inscribed in Article 2, paragraph 7, of the Charter and that it must therefore regard any resolution emanating from a discussion on, or the consideration of, the present item as ultra vires and, therefore, as null and void.

The resolutions adopted by the Assembly (616 A & B (VII)) read:

"The General Assembly,

"Having taken note of the communication dated 12 September 1952, addressed to the Secretary-General of

the United Nations by the delegations of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen, regarding the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa,

"Considering that one of the purposes of the United Nations is to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Recalling that the General Assembly declared in its resolution 103(I) of 19 November 1946 that it is in the higher interests of humanity to put an end to religious and so-called racial persecution, and called upon all governments to conform both to the letter and the spirit of the Charter and to take the most prompt and energetic steps to that end,

"Considering that the General Assembly has held, in its resolutions 395(V) of 2 December 1950 and 511(VI) of 12 January 1952, that a policy of racial segregation (apartheid) is necessarily based on doctrines of racial discrimination,

"1. Establishes a Commission, consisting of three members, to study the racial situation in the Union of South Africa in the light of the Purposes and Principles of the Charter, with due regard to the provision of Article 2, paragraph 7, as well as the provisions of Article 1, paragraphs 2 and 3, Article 13, paragraph 1 b, Article 55 c, and Article 56 of the Charter, and the resolutions of the United Nations on racial persecution and discrimination, and to report its conclusions to the General Assembly at its eighth session;

"2. Invites the Government of the Union of South Africa to extend its full co-operation to the Commission;

"3. Requests the Secretary-General to provide the Commission with the necessary staff and facilities;

"4. Decides to retain the question on the provisional agenda of the eighth session of the General Assembly."

B

"The General Assembly,

"Having taken note of the communication dated 12 September 1952, addressed to the Secretary-General of the United Nations by the delegations of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen, regarding the question of race conflict in South Africa resulting from the policies of apartheid, of the Government of the Union of South Africa,

"Considering that one of the purposes of the United Nations is to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

"Recalling that the General Assembly declared in its resolution 103(I) of 19 November 1946 that it is in the higher interests of humanity to put an end to religious and so-called racial persecution, and called upon all governments to conform both to the letter and to the spirit of the Charter and to take the most prompt and energetic steps to that end,

1. Declares that in a multi-racial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality;

"2. Affirms that governmental policies of Member States which are not directed towards these goals, but which are designed to perpetuate or increase discrimination, are inconsistent with the pledges of the Members under Article 56 of the Charter;

"3. Solemnly calls upon all Member States to bring their policies into conformity with their obligation under the Charter to promote the observance of human rights and fundamental freedoms."

At its 411th plenary meeting on 21 December 1952, the General Assembly, on the proposal of the President, decided that the Commission, established under paragraph 1 of resolution 616 A (VII) should be composed of the following persons: Ralph Bunche, Hernán Santa Cruz and Jaime Torres Bodet.[84]

K. THE QUESTION OF AN AUSTRIAN PEACE TREATY

On 29 August 1952 Brazil requested (A/2166) the inclusion, in the agenda of the seventh session of the General Assembly, of the item: "Question of an appeal to the Powers signatories to the Moscow Declaration of 1 November 1943, for an early fulfilment of their pledges towards Austria".

An explanatory memorandum submitted on 12 September recalled that by the Moscow Declaration (to which France had subsequently adhered) the four Powers, France, the USSR, the United Kingdom and the United States, had expressed their determination that Austria should be re-established as a free and independent State. The four-Power occupation and the establishment of an allied control system was intended to be a temporary measure, the common task being to aid the Austrian people in the restoration and democratic reconstruction of their country. The memorandum said that, although free elections had taken place in Austria in November 1945 and a democratic government, recognized by the four occupying Powers, had been established, the

[84] On 30 March 1953 the General Assembly, on the proposal of the President, decided to appoint Henri Laugier of France and Dantes Bellegarde of Haiti to replace Ralph Bunche and Jaime Torres Bodet on the Commission, as the last two named were unable to serve on that body.

occupation and allied control system were still in force seven years after the liberation of Austria. The negotiations for the conclusion of an Austrian treaty, intermittently conducted by the four Powers since 1947, had thus failed to bring about the objective that the four Powers had set themselves in the Moscow Declaration. Such a state of affairs, the memorandum stated, constituted a source of deep disappointment for the Austrian people and gave rise to a serious problem which called for the attention of the United Nations. The memorandum recalled that the General Assembly, by its resolution 190(III) of 3 November 1948, had already made an appeal to the Great Powers to compose their differences and establish a lasting peace in Austria. Brazil considered that an earnest appeal must now be addressed by the General Assembly to the Powers signatories of the Moscow Declaration to make renewed and urgent efforts to reach agreement on the terms of an Austrian treaty.

At its 380th meeting on 16 October 1952, the General Assembly, on the recommendation of the General Committee, decided to include the question in its agenda and at its 382nd meeting on 17 October, referred it to the First Committee. USSR proposals to delete the item were rejected in the General Committee by 12 votes to 2 and in the Assembly's plenary meeting by 48 votes to 5.

The First Committee considered the question at its 553rd to 556th meetings from 17 to 19 December. By 47 votes to 5, it decided to invite the Foreign Minister of Austria to participate in the discussions.

Opening the discussion, the representative of the USSR recalled that his delegation had objected in the General Committee and in the plenary meeting to the inclusion of the question in the Assembly's agenda. The Soviet Government considered that such a discussion by the General Assembly would be contrary to the terms of the Charter, in particular to those of Article 107.[85] The representative of the USSR maintained that according to the Moscow and Potsdam agreements the four Powers had exclusive competence on the question of Austria and that the control machinery for Austria had been established in 1946 as a result of their agreed decision. At that time, important decisions had been taken on political and economic questions relating to Austria and it had been decided to prepare the draft of an Austrian peace treaty, on which substantial work had subsequently been done; agreement had been reached on all except a few articles. The USSR had drawn the attention of the other Governments concerned to the necessity of verifying that the Austrian Government fulfilled the four Powers' decision on demilitarization and denazification.

In considering an Austrian peace treaty, the Soviet Government could not ignore the non-observance by the United States, the United Kingdom and France of other international agreements which they had concluded with the USSR, he stated. Thus the Italian Peace Treaty which provided that Trieste would become a free city governed by a special statute had not been observed and the city had become an Anglo-American base. As long as the three Powers failed to abide by their obligations in Trieste there would be no assurance that the terms of an Austrian peace treaty would be respected.

The USSR representative stated that the proposal made in March 1952 by the three Western Powers for an abbreviated peace treaty had been in contradiction with the previous agreements reached among the four Powers. After turning down a Soviet suggestion to withdraw that proposal, the three Powers had decided to bring the question before the United Nations, their aim being to divert public opinion from acute international problems, such as the reduction of armaments, the prohibition of atomic weapons, the cessation of hostilities in Korea and the proposal for the conclusion of a peace pact among the four Great Powers.

For these reasons, the USSR representative concluded, his delegation would not participate in the consideration of the question, would not take part in the vote on any proposal that might be submitted on it, and would not recognize the validity of any resolution that might emerge from the Assembly's consideration of the question.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR associated themselves with the views expressed by the USSR representative and stated that they would adopt the same position. The responsibility for the deadlock on the Austrian peace treaty, they said, lay entirely with the three Western Powers, which had raised the problem to slander the USSR. In Austria, despite the continual protests of the USSR in the Control Commission, war criminals had gone unpunished and many who had been in prison had been released; the Austrian Government had refused to return war criminals to Poland, and Hitlerite officers were again being

[85] This Article allows for action in relation to ex-enemy States of the Second World War by the governments having responsibility for such action.

given a place of honour. While the Soviet Union Government had consistently displayed its sincere desire to reach agreement, the three Western Powers, they said, had revealed that they wanted to continue the occupation of Austria in order to transform it into a military base.

The representatives of Brazil, Lebanon, Mexico and the Netherlands submitted a joint draft resolution (A/C.1/L.16), by which the General Assembly, recalling its resolution 190(III) of 1948 and the Moscow Declaration and stating that inconclusive negotiations between the four Powers (France, the USSR, the United Kingdom and the United States) regarding the establishment of an independent Austria were causing deep disappointment to the Austrian people and were hampering Austria's exercise of sovereignty, would address an earnest appeal to the Governments concerned to renew efforts to agree on an Austrian peace treaty.

The sponsors of the joint draft resolution stated that the United Nations could not remain indifferent to the condition of subjection and partition of the Austrian people. In the Moscow Declaration the four Powers had recognized that Austria was "the first of the three countries which fell victim to the Hitlerite aggression". They had further affirmed their determination to restore Austria as a free and independent State, but the negotiations undertaken by the four Powers for the conclusion of an Austrian peace treaty had been fruitless. That situation had become a cause for concern to all nations and was now legitimately brought to the attention of the United Nations. Article 1, paragraph 2, of the Charter stated that one of the purposes of the United Nations was to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. A solution of the Austrian question would certainly represent a decisive contribution to a healthier international atmosphere.

They said that the joint proposal was in line with Assembly resolution 190(III) of 3 November 1948 and expressed the deep concern of the medium and small Powers with the deadlock in which the negotiations had remained since 1947. There was no intention of dealing with the substance of the matter, nor to transfer to the 60 Members of the United Nations a question which was, in fact, the exclusive responsibility of the Great Powers. The only objective of the sponsors was to have the General Assembly address a solemn appeal to the four Powers to make a new and urgent effort to resolve their differences which would lead to an early end of the occupation of Austria and to the free exercise by Austria of the powers inherent in its sovereignty.

In his statement, the Foreign Minister for Austria recalled that after the beginning of the Second World War Allied statesmen had solemnly proclaimed that Austria would be restored as a sovereign state. The Moscow Declaration of 1943 had expressed the same objective. Despite the fact that the conditions for the withdrawal of Allied troops (free elections, formation of a constitutional government and re-establishment of public order) had been fulfilled soon after 1945, the Austrian people had already had to support eight more years of bondage and of oppressive occupation. Many Austrians had been abducted and tried by Allied military tribunals; property had been seized and dismantled; Austrian oil deposits had been exploited by a foreign Power; a large amount of Austrian land was still confiscated; and the cost of occupation borne by the Austrian people created a considerable burden for the country. But what oppressed and disheartened the Austrian people most was the fact that the end of this humiliating situation was not in sight.

Turning to the history of the negotiations for an Austrian treaty, he recalled that, after endless deliberations, the Foreign Ministers of the Four Powers had met in Paris in 1949 and had agreed to finalize the treaty draft not later than 1 September 1949. The State Treaty was actually completed with the exception of a few secondary clauses. Nevertheless, when it became evident that the Western Powers were ready to compromise on the remaining five articles, the Soviet authorities had suddenly brought up the question of Trieste. The Soviet Union had also asked for the institution of a new commission of investigation in Austria. In this connexion, the representative of Austria asserted that the charges of the remilitarization of Austria were entirely unfounded. No other country in the world was so completely disarmed as Austria. It was equally unfounded and illogical to subordinate the conclusion of the Austrian State Treaty to the settlement of the Trieste question, since the Austrian Government had not the slightest influence on such a settlement. The Western Powers had further proposed an abbreviated treaty to meet the Soviet objections. However, this new formula had been rejected by the Soviet Government as well as a new invitation to meet in London on 19 September 1952 for a Deputies' Conference.

The Austrian Foreign Minister said that the deadlocked situation would not be passively accepted by the Austrian people, who wanted a

prompt treaty and a treaty which would be implemented rapidly. The Austrian people had proved their sense of responsibility towards the international community by exercising great restraint in showing their discontent, in view of the acute international situation. The risks inherent in an occupation by foreign armed soldiers in the midst of an increasingly angered population had to be recognized. The Austrian people put their trust in the United Nations to face the situation squarely and to restore confidence and hope in their country.

The representatives of the United Kingdom, United States and France spoke in favour of the joint draft resolution.

The United Kingdom representative stated that the Governments of the United Kingdom, United States and France had laboured for six years for the re-establishment of a free and independent Austria as expressed in the Moscow Declaration by the four Powers. Shortly after a democratically elected government had been established in Austria and recognized by the four occupying Powers in January 1946, the Western Powers had begun their attempts to open negotiations with the Soviet Union in order to conclude an Austrian peace treaty. It was not until December 1946 that the Soviet Union had agreed to hold a conference of Deputy Foreign Ministers which would draft the treaty. In June 1949, at the end of 163 meetings, the main points of the draft treaty had been agreed upon. After agreement had been reached by the Council of Foreign Ministers on a few important controversial points, such as Yugoslav territorial claims on Austria and Soviet claims on German assets in Austria, the four Deputy Foreign Ministers were instructed to complete the State Treaty by 1 September 1949.

The Soviet Government had then raised new difficulties in connexion with the wording of the agreement on the question of German assets, and had declined to discuss the few remaining articles until it had obtained satisfaction on its claim against the Austrian Government for supplies furnished to Austria after the war. When the four-Power negotiations had been resumed in May 1950, the Soviet Deputy had introduced a new issue by accusing the Austrian Government and the Western Powers of encouraging the revival of Nazism and of remilitarizing Western Austria. About the same time, the Soviet Union had also introduced the question of the Italian Peace Treaty in so far as it concerned Trieste. The Soviet Deputy had declared that the Western Powers were, by their attitude towards Trieste, raising doubts as to their sincerity with regard to the implementation of the Austrian Treaty. After an exchange of notes, the negotiations had been abandoned in December 1950. In December 1951 the Soviet Deputy had thwarted another effort made by the Western Powers to reopen the treaty negotiations in January 1952 by again putting forward the question of Trieste. The Western Powers thereupon had presented to the Soviet Government on 13 March 1952 an abbreviated draft treaty which contained only a minimum of articles required to end the occupation of Austria and to restore its independence. In August, the Soviet Government had rejected such an abbreviated treaty on the grounds that it failed to make any provisions for the maintenance in Austria of human rights and of democratic government and for the suppression of Nazi activities. The Western Powers had offered to meet the Soviet objections by adding to the abbreviated treaty articles 7, 8 and 9 of the original longer draft, which referred to human rights, democratic institutions and the dissolution of Nazi organizations. The Western Powers had convened a meeting of the Foreign Ministers for 29 September 1952, but a Soviet note of 28 September had maintained that the abbreviated treaty did not fully meet the Soviet objections and the scheduled meeting for 29 September had never taken place.

The Western Powers, he stated, remained convinced that no point of substance was preventing the conclusion of the Austrian treaty; Russian assent alone was lacking.

The representative of the United States declared that, contrary to the assertion of the Soviet delegation, Article 107 of the United Nations Charter was not applicable to the case in point; in the first place Austria was not a former enemy of any signatory to the Charter; secondly, the discussion of the draft resolution before the First Committee could in no way be regarded as an attempt to invalidate or preclude action taken by the four responsible Governments. Nobody was asking the First Committee to deal substantively with the problem. The present situation in Austria seriously affected the peace in the surrounding area. As one of the four occupying Powers in Austria, the United States, he said, had already tried and would continue to try to find a way to restore Austria's independence in accordance with the Moscow Declaration of 1 November 1943. The United States representative reviewed the history of this question, starting with his Government's proposal made early in 1946 at the Council of Foreign Ministers that the four occupying Powers should join in a State Treaty with the liberated Austrian State recognizing its inde-

pendence. Since the Soviet Union agreed in 1947 to begin discussing the Austrian treaty, there had been 376 quadripartite meetings, but there was still no treaty. All efforts, he said, had been frustrated by the unyielding attitude of the Soviet Union, which continually conditioned its agreement upon the settlement of specific problems on its own terms. Obviously these terms were calculated to perpetuate the dependence of Austria upon the Soviet Union, even after the withdrawal of Soviet troops. The United States representative traced the development of the quadripartite negotiations, and charged that every time a concession had been made to meet the Soviet point of view, the Soviet representatives had introduced new issues, each more extraneous than the last. While the Western Powers were willing to accept any treaty in terms adequate to ensure the restoration of Austria's independence, the Soviet Union continued to use Austria as a pawn for its own imperialistic purposes, he charged. For its part, the United States was ready to meet again with USSR representatives in order to conclude the Austrian treaty.

The representative of France endorsed the statements of the United Kingdom and United States representatives. He affirmed the sympathy of his Government for the Austrian people. France, he said, was well aware of the deep disappointment suffered by Austria as a consequence of the maintenance of the occupation regime for eight years; it had done its utmost to lighten the burden of the occupation and was ready to do everything in its power to develop Austria's resources. The representative of France stated that the decision now depended upon the Soviet Union. He expressed the hope that the Soviet Union would not remain indifferent to the fate of the Austrian people and would respond to the appeal unanimously addressed to it.

The representatives of Argentina, Australia, Belgium, Canada, Chile, China, Colombia, Cuba, the Dominican Republic, Ecuador, Egypt, Ethiopia, Greece, India, Indonesia, Iran, Iraq, Israel, Peru, Sweden, Syria, Turkey, the Union of South Africa, Uruguay, Venezuela and Yugoslavia spoke in favour of the joint draft resolution. They said that it could not be forgotten that the liberation of Austria had been accomplished in the spring of 1945 and that no solution had yet been reached. While countries directly associated with Nazi aggression had each obtained a peace treaty, Austria, on the contrary, still suffered a regime of military occupation seven years after the end of the war. The sad history of the four-Power negotiations on the Austrian treaty was a matter of common knowledge, and the resulting situation was clearly a matter of concern to the United Nations. In view of the inherent threat to the peace, it was clearly within the Assembly's competence to take the limited action proposed in the draft resolution. The purpose of this draft was simply to make an urgent appeal to the four Great Powers concerned to reach agreement on an Austrian peace treaty.

The representative of Yugoslavia said that the Austrian question was of particular concern to Yugoslavia, which was Austria's immediate neighbour. There were no grounds, he emphasized, for linking the question of the Austrian peace treaty and that of Trieste; the Trieste question had been expressly dealt with in the Italian Peace Treaty and at present concerned only Italy and Yugoslavia.

Commenting at length on the question of competence, the representative of Greece concluded that Article 107 of the Charter did not justify the contention that the Assembly was incompetent to discuss the question of Austria any more than that of the unification of Germany which it had examined at its sixth session.

The representative of Pakistan indicated that he would abstain from voting on the joint draft resolution since certain delegations supporting it were inconsistent in their attitude towards similar questions affecting other countries such as Tunisia and Morocco.

At its 556th meeting on 19 December the First Committee adopted the joint draft resolution by a roll-call vote of 48 to none, with two abstentions.

The General Assembly, at its 409th plenary meeting on 20 December, by 48 votes to none, with 2 abstentions, adopted, without debate, the draft resolution recommended by the First Committee (A/2339) as resolution 613(VII).. It read:

"The General Assembly,

"Recalling the terms of resolution 190(III) of 3 November 1948, whereby an appeal was made to the great Powers to renew their efforts to compose their differences and establish a lasting peace,

"Recalling the terms of the Moscow Declaration of 1 November 1943, whereby the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America recognized that Austria should be re-established as a free and independent State,

"Recalling further that the Government of France joined the three above-mentioned Governments in the said declaration as of 16 November 1943,

"Considering that, in the spirit of the said declaration, the four Powers accepted the responsibility of re-estab-

lishing a free and independent Austria, and, to that end, have entered into negotiations towards the conclusion of an Austrian treaty,

"Noting with concern that those negotiations, which have been under way intermittently since 1947, have hitherto failed to bring about the proposed objective,

"Taking into account that such a state of affairs, still prevailing after a lapse of seven years since the liberation of Austria at the end of the Second World War, and arising from the inconclusive stage of the aforementioned negotiations, does constitute a source of deep disappointment for the Austrian people, who have by themselves made successful efforts towards the restoration and democratic reconstruction of their country.

"Recognizing that only through the unhampered exercise by the Austrian people of their freedom and independence can these efforts attain full realization,

"Taking further into account that such a state of affairs hinders the full participation by Austria in the normal and peaceful relations of the community of nations and the full exercise of the powers inherent in its sovereignty,

"Having in mind that the solution of this problem would constitute an important step toward the elimination of other areas of disagreement and therefore towards the creation of conditions favourable to the accomplishment of world peace,

"Desiring to contribute to the strengthening of international peace and security and the developing of friendly relations among nations in conformity with the Purposes and Principles of the Charter.

"Addresses an earnest appeal to the Governments concerned to make a renewed and urgent effort to reach agreement on the terms of an Austrian treaty with a view to an early termination of the occupation of Austria and the full exercise by Austria of the powers inherent in its sovereignty."

L. THE QUESTION OF HOLDING FREE ELECTIONS IN GERMANY

At its sixth session, on 20 December 1951, the General Assembly adopted resolution 510(VI) by which it appointed a Commission to carry out immediately a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany to ascertain and report whether conditions were such as to make possible the holding of genuinely free and secret elections throughout those areas.[86] The resolution provided that the Commission should be composed of representatives of Brazil, Iceland, the Netherlands, Pakistan and Poland. On 18 January 1952 the Chairman of the Polish delegation informed the President of the General Assembly and the Secretariat that, in conformity with the attitude which it had always maintained in this matter, Poland would not participate in the Commission and would accordingly not appoint a representative. The four other members of the Commission appointed their representatives to the Commission.

The Commission submitted two reports to the Secretary-General for the consideration of the four Powers and for the information of other Members of the United Nations. One, dated 1 May 1952 (A/2122/Add.l), covered the period from 11 February to 30 April and the other, a supplementary report (A/2122/Add.2), covered the period from May to August 1952. In its first report, the Commission stated that it had secured from the Allied High Commission in Western Germany, from the authorities of the Federal Republic of Germany and from those of the western sector in Berlin, every assurance of. co-operation in its task and every facility, including the right of free travel, normal and recognized diplomatic privileges and immunities, free access to persons, places and relevant documents, the right to summon witnesses, assurances of immunity for such witnesses, the right to communicate freely with the people in various areas and the immunity of its own communications from censorship or suppression. However, in spite of its repeated attempts, the Commission had received no answer to its letters to the Chairman of the Soviet Control Commission for Germany.

The Commission therefore regretfully concluded that, at that time, there was little prospect of its being able to pursue its task.

In its supplementary report the Commission referred to an exchange of Notes on the German question between the USSR, on the one hand, and France, the United Kingdom and the United States, on the other, in which the Commission had failed to find any agreement whatsoever that it would be used to carry out an investigation throughout Germany, to determine whether existing conditions permitted "generally free elections" to be held in that country. The Commission stated that it had become obvious as a result of the exchange of Notes that, while the three Western Powers strongly preferred that the present Commission carry out its task, they were prepared to consider any other practical and precise proposals for an impartial commission of investigation which the Soviet Government might put forward, on the condition that they were likely to expedite free elections in Germany.

[86] See Y.U.N., 1951, pp. 316-52.

The USSR, on the other hand, maintained its objection to the competence of the United Nations on the question of Germany and rejected investigation by the Commission. It was, however, agreeable to investigation by another impartial commission formed by the four occupying Powers. It seemed clear to the Commission, therefore, that the four occupying Powers were agreed that an essential preliminary to the formation of an all-German Government was that it should be based on free elections, and further that, before such a government was formed, it was necessary to have an investigation by an impartial body to determine whether existing conditions throughout Germany would permit the holding of free elections. The Commission expressed the hope that the USSR Government would ultimately be persuaded to repose faith in a body which had been set up by an overwhelming majority of its colleagues in the United Nations.

The Commission decided on 31 July to submit its final report and adjourn sine die, while remaining at the disposal of the United Nations and the parties concerned as long as its mandate was in force. The question was not considered by the General Assembly in 1952.

M. DISARMAMENT

The Disarmament Commission, set up under General Assembly resolution 502(VI) of 11 January 1952[87], held its first meeting on 4 February 1952 in Paris, in accordance with the provision in that resolution that it should begin its work within 30 days. At that meeting, the Commission adopted its provisional rules of procedure (DC/1), decided to continue its work in New York and disposed of other procedural matters.

1. Organization of the Work of the Disarmament Commission

The Commission continued its discussions in New York and devoted eight meetings between 14 March and 2 April to the organization of its work. It considered: the formulation of its programme of work, the question of discussing charges of the use of bacterial warfare in Korea and China, the organization of working committees and the allocation of tasks to them.

a. PROGRAMME OF WORK

At the second meeting of the Commission, on 14 March, the representative of the United States submitted a proposed plan of work (DC/3) which, he said, followed the language of resolution 502(VI) and was designed to cover the essential elements of any balanced disarmament system without prejudging the details. That plan was endorsed in principle by the representatives of France and the United Kingdom. The USSR representative, however, rejected that plan, stating that its object was to confine the activities of the Commission to the formulation of proposals for the disclosure and verification of information on armed forces and armaments, excluding atomic and other secret weapons. It would, he said, tend to impede both the reduction of armaments and the prohibition of the atomic weapon. At the third meeting, he submitted an alternative plan (DC/4/Rev.l), which would, he said, lead to concrete decisions to prohibit atomic weapons and reduce armaments and armed forces, with the attendant effects of the submission of complete official data on all armaments and armed forces and the establishment of an international control organ.

In the discussion, a number of representatives took exception to the USSR draft plan of work on the ground that it was so drawn up as to prejudge the nature of the substantive decisions to be reached. On the other hand, the United States plan consisted of general topics for discussion which, it was maintained, would permit the examination of all concrete proposals, including those of the USSR.

The representatives of the United Kingdom and Chile stressed the need for a compromise in the matter of the working programme and the representative of France offered suggestions in that regard. At the seventh meeting the latter representative submitted a substitute plan of work (DC/5), which would deal with all matters under three headings, as follows:

"A. Disclosure and verification of all armaments, including atomic armaments, and of all armed forces.

"B. Regulation of all armaments and armed forces, including:

"1. Elimination of atomic weapons and control of atomic energy with a view to ensuring their elimination;

"2. Elimination of weapons of mass destruction and control with a view to ensuring their elimination;

[87] For terms of reference of the Commission, see Y.U.N., 1951, pp. 176-77

"3. Limitation and balanced reduction of all other armaments and of all armed forces, and control of this limitation and reduction.

"C. Procedure and timetable for giving effect to the disarmament programme.

"Points A and B to be studied concurrently in the first stages of the Commission's work."

The USSR representative took the position that the French plan suffered from the same defects as the United States plan.

At the eighth meeting on 28 March, the USSR plan of work was rejected by 9 votes to 1 (USSR), with 2 abstentions (France, Pakistan). The French plan was then adopted by 11 votes to 1 (USSR). At the 24th meeting on 27 August, the Commission amended its programme of work by inserting the words "including bacterial weapons" in paragraph B2 (see section 3(c) below).

b. CHARGES REGARDING THE USE OF BACTERIAL WARFARE IN KOREA AND CHINA[88]

At the second meeting of the Commission, in connexion with the United States proposal for a plan of work, the USSR representative asked the Commission to consider without delay, with reference to charges of the use of bacterial weapons in Korea and China, the question of the violation of the prohibition of bacterial warfare so as to prevent its further use and to bring the violators to account. In that connexion, he specified the complaints which had been made by the Ministers for Foreign Affairs of the People's Democratic Republic of Korea and of the People's Republic of China. In reply, the United States representative repudiated the charges, drew attention to other official denials and said that the United States had asked the International Committee of the Red Cross for an impartial investigation of the charges. He asked whether the USSR Government would exercise its good offices to prevail on the Chinese Communist and North Korean authorities to accept the proposal of the Red Cross for an investigation. The USSR representative said he had proposed that the Commission consider the question of bacterial warfare; his delegation would take an active part in the elucidation of the facts.

Discussion of the charges continued from time to time until the eighth meeting. In addition to further detailed denials by the United States representative and to further specific charges by the USSR representative, statements repudiating the charges were made by the representatives of Canada, France, Greece, the Netherlands, Turkey and the United Kingdom, all States which had forces in Korea. In addition, several representatives expressed the opinion that the Disarmament Commission, which was a special organ created for a specific purpose, was not competent to investigate or even to consider the charges.

At the eighth meeting, when the representative of the United States intervened on a point of order, the Chairman ruled that the Commission was not the proper forum in which to make or consider specific charges of bacterial or any other kind of warfare. The ruling, having been challanged by the USSR representative, was upheld by 11 votes to 1 (USSR).

Subsequently, there was some discussion of the capacity of the International Committee of the Red Cross to conduct an impartial international investigation and of the propriety of the circulation as Commission documents of communications relating to charges of bacterial warfare. At the fifth meeting of Committee 1, the Chairman ruled out of order: (1) discussion of methods and agencies for the investigation of such charges; and (2) presentation or circulation of documents purporting to substantiate or prove such charges. The USSR representative challenged those rulings, which were then put to the vote. The first ruling was upheld by 11 votes to 1 (USSR) and the second by 9 votes to 1 (USSR), with 2 abstentions (Chile, Pakistan).

The representative of the USSR protested against the rulings as illegal and as preventing the Disarmament Commission from considering the impermissibility of bacterial weapons and the calling to account of the violators of the prohibition.

c. ESTABLISHMENT OF COMMITTEES 1 AND 2

At the ninth meeting of the Disarmament Commission, the Chairman, the representative of Chile, presented suggestions (DC/7) for organi2ing committees and allocating work to them, suggestions which were directed towards solving the question of priority between the items of the plan of work by conducting two parallel discussions. The USSR representative said that the establishment of committees was not only unnecessary because the same representatives would serve on them as on the Commission, but would also be harmful because the system proposed would combine the important and complex questions of the prohibition of atomic weapons and other weapons of mass destruction and the reduction of armaments and armed forces into a single item, while giving equal emphasis to

[88] For consideration of these charges in the Security Council, see below under Bacterial Warfare.

the secondary question of the collection of information. Other representatives, however, favoured the suggestions as affording a more orderly method of discussion than that of discussing various topics concurrently in the Commission. After discussion and amendment, the suggestions were adopted (DC/8) by 10 votes to 1, with 1 abstention.

2. Proceedings in the Committees

Committee 1, which was charged with the consideration of paragraph B of the plan of work adopted, namely, the regulation of all armaments and armed forces, held seven meetings between 4 April and 16 May. Discussion was concerned mainly with a working paper submitted by the United States on "Essential principles for a disarmament programme" (DC/C.1/1), and with the USSR proposals referred to the Commission in resolution 504(VI).[89]

Committee 2, which was charged with the consideration of paragraph A of the plan of work, namely, disclosure and verification of all armaments, including atomic armaments, and all armed forces, held five meetings between 5 April and 16 May. Its discussion was based upon a United States working paper entitled "Proposals for progressive and continuing disclosure and verification of armed forces and armaments" (DC/C.2/1).

a. DISCUSSIONS IN COMMITTEE 1

The general discussion in the Committee centred on the two alternative approaches to the questions: (a) of prohibition of the atomic weapon and the international control of atomic energy; and (b) of the regulation, limitation and balanced reduction of conventional armaments and armed forces.

Broadly speaking, the representatives of Canada, France, the Netherlands, the United Kingdom and the United States considered unacceptable the USSR proposals as they stood for an immediate ban on the atomic weapon and the establishment of strict international control of atomic energy, both to come into effect simultaneously, and immediate reduction by one-third of the armaments and armed forces by the permanent members of the Security Council. They considered that the immediate prohibition coupled with the proportional reduction of armaments and armed forces, as suggested by the USSR, would decrease security and would seriously upset the equilibrium of armed strength since the atomic weapon was a counterbalance to the preponderance of the USSR in mass armies and conventional weapons. The USSR position, they said, thus ran counter to the concept of balanced reduction which the Disarmament Commission had been instructed to work out and to propose.

The representative of France noted, however, that the USSR position had changed significantly at the sixth session of the General Assembly in Paris when the USSR Foreign Minister had stated that the controlling body as far as atomic energy was concerned, would be enabled to undertake "continuous inspection" without being allowed to "interfere in the domestic affairs of States". The concept of control and prohibition coming into effect simultaneously was also, it was stated, new and possibly represented an advance over the previous USSR position which required unconditional prohibition first and the institution of control afterwards.

The main difference of views between the Western Powers and the USSR, it was stated, related to the nature of the control system envisaged. The Western Powers adhered to the plan of control approved by the General Assembly in resolution 191(III) which contemplated ownership by the controlling agency of nuclear fuel and source materials and ownership, management and operation by the same agency of dangerous facilities. Although the Western Powers, supported by the majority of the United Nations, were prepared to consider new proposals, they would continue to adhere to the United Nations plan in accordance with the latest Assembly resolution on the question, resolution 502(VI) of 11 January 1952.

The representative of France, as well as other representatives, including those of Canada, the Netherlands, the United Kingdom and the United States, asked for the clarification of the new terms introduced by the USSR on the problem of atomic disarmament. What, for example, was meant by prohibition and control coming into effect simultaneously? What was meant by "continuous inspection" and the reservation thereto covered by the phrase "without interference in the domestic affairs of States"?

The Committee also discussed a United States working paper (DC/C.1/1) presenting six general principles for a disarmament programme. In addition to the first principle, that war should be made inherently impossible as a means of settling international disputes, the proposal contained in the paper called for: co-operation to establish an open and substantially disarmed

[89] See Y.U.N., 1951, p. 178.

world in which no State would be able to prepare for war secretly; international agreements limiting forces and types and quantities of arms; the progressive reduction of armed forces and armaments and the elimination of weapons of mass destruction; the provision of effective safeguards, particularly in connexion with the international control of atomic energy; and progressive and continuing disclosure and verification.

The representatives of Canada, France and the United Kingdom welcomed the circulation of the United States paper but held that the principles would only have value if they were unanimously accepted. Other members of the Committee, including the representatives of Brazil, Chile, Greece and the Netherlands, expressed themselves in favour of the examination and adoption of principles along the lines of the United States proposal.

In several interventions during the Committee's discussions, the representative of the USSR dealt with the questions raised by the other delegations and expressed his views on the working paper submitted by the United States. He considered that the representatives of Canada, France, the United Kingdom and the United States had indulged in long, fruitless, abstract and general discussions which were designed to divert attention from the crucial question of the prohibition of atomic weapons and the reduction of armaments. Outlining his objections to the approach of the Western Powers on questions relating to atomic disarmament, he said that the United States plan, which was miscalled the United Nations plan, was based, not on the prohibition of the production of atomic weapons, but on the continuation of such production, while the USSR was in favour of the prohibition of the atomic weapon and discontinuance of its manufacture. Moreover, this plan envisaged not control but ownership—the creation of an international atomic super-trust on a commercial basis. Under that plan, the control organ would own and operate atomic mines and extract and process atomic raw materials. The USSR, he said, was opposed to that plan but was in favour of creating a genuinely international organ, established on a political and not a commercial basis, with wide rights and powers of verification and inspection on a continuing basis. The USSR envisaged no veto affecting the day-to-day functions of the control organ, but the United States, he said, sought the practical veto inherent in monopoly control.

The second objection related to the method of implementation of the disarmament programme. The principle favoured by the United States and the Western Powers was, the USSR representative said, that implementation should begin with disclosure and verification of conventional armaments and armed forces, to be completed in several stages beginning from the less secret areas and reaching, in the ultimate and remote future, to atomic weapons, secret weapons and weapons of mass destruction. It was not even known, he said, when the final stage would be reached and there was no guarantee that the process would continue since it was possible that the United States, after obtaining all the strategic information regarding conventional armaments and armed forces of other countries, might find some pretext to stop the disclosures.

In this connexion, he referred to a paper (DC1/C2/1) submitted by the United States in Committee 2 (see below) which proposed that the implementation of the disarmament programme should be begun with the final principle of the United States paper (DC/1/1) before Committee 1, that is, with progressive and continuing disclosure and verification of all armaments and all armed forces. Thus, he said, the entire effort of the United States was to involve the Commission in the endless and protracted task of collecting information instead of proceeding with the real work which was to bring about the prohibition of the atomic weapon, control of atomic energy and reduction of armaments. The purpose of the proposal was to replace concrete decisions by declarations that would commit no government to any course. Moreover, the General Assembly in 1946 had laid down the guiding principles in resolution 41(I), and the task of the Committee was to implement those principles through the preparation of practical measures. The United States had always shown itself ready to make a declaration on general principles but had opposed concrete decisions for their implementation. The USSR had not urged a decision on principles, it had proposed taking a concrete decision on the prohibition of atomic weapons, the reduction of armed forces and armaments, and the establishment of strict international control.

Replying to the questions addressed to him, he said that, as regards his delegation's conception of simultaneity, it meant "that after the decision is taken to announce the prohibition of atomic weapons and the establishment of control, a certain period should elapse during which an international control organ would be formed and set up. When that organ is set up and its representatives are ready to undertake immediate

practical control, then the prohibition of atomic weapons and the establishment of strict international control over the observance of such prohibition are to go into effect simultaneously."

On the question of continuous inspection he said that the representatives of the international control agency would visit all countries and all atomic plants; they would study, investigate, measure, weigh and analyse all undertakings engaged in the production of atomic energy, from raw material (including mining) to the finished product. They would exercise control on a continuing basis. He said, however, that there was no point in elaborating the details of the USSR proposals on this point until the "commercial approach" to the question of international control was abandoned. This question of principle must be settled first.

The representative of the USSR said that the only concrete proposals before the Commission were those of the USSR (DC/4/Rev.l) which provided that the Commission should immediately adopt a decision on prohibition of the atomic weapons, reduction of armaments and armed forces, strict international control, immediate disclosure by all States of data concerning their armed forces and armaments, including atomic weapons, and verification of such data. He concluded by stating that he was prepared to consider any new concrete proposals. However, while the USSR had modified its position with regard to inspection, the United States continued to insist on its own old plan. There was no advantage in discussing proposals that had nothing in common with the basic objectives of the Commission.

In reply to the statements of the USSR representative, several representatives expressed the view that if they were to make progress, the USSR representative should discuss in detail, and submit amendments to, the principles proposed by the United States. The United States representative stated that no progress could be made towards decisions on the reduction of armaments and the prohibition of the atomic weapon until there was agreement on safeguards and control. If the proposed principles, which made clear the purpose of achieving a reduction in armaments and the elimination of weapons of mass destruction, could be accepted, the Commission could proceed to the necessary work of devising safeguards. He said that the term "ownership", as used in the United Nations plan for the control of atomic energy, did not contemplate any super-monopoly on a commercial basis. It had nothing to do with private profits. It did not contemplate strict control by the United States capitalists. It contemplated only a multilateral plan. If such an international plan could be branded as a United States controlled scheme, he said, there would be no form of international control not subject to the USSR veto which could not be thus branded, should the USSR find it convenient to do so.

b. DISCUSSIONS IN COMMITTEE 2

Committee 2 discussed the United States working paper (DC/C.2/1) relating to disclosure and verification which, the United States representative explained, proposed, as essential principles on which the concrete proposals were based, that the system should be continuing, progressive and complete, and that it should provide adequate safeguards and include from the outset all armed forces and all armaments, including atomic weapons. Disclosure and verification by stages was proposed in order to expedite progress from the less secret to the more secret areas through the establishment of confidence by evidence of good faith. Five stages each were proposed for conventional and atomic armaments. The proposals did not neglect atomic weapons in favour of conventional armaments; at the first stage, there would be sufficient data available to make possible the calculation of the atomic potential of all States, but without exact or full details.

A number of members, including the representatives of Brazil, Canada, China, Greece, the Netherlands and Turkey, expressed their readiness to adopt the working paper as a basis for the Committee's discussions. The representative of the United Kingdom stated that he regarded disclosure and verification as an essential part of, not a substitute for, the disarmament process. The first task, creation of confidence, could be aided by disclosures which did not prejudice the security of any country. Even a little progress might create the basis for a disarmament plan. The disclosure procedures need not be completed before a disarmament programme was inaugurated.

The representative of France stated that the disclosure process should not delay disarmament. On the basis of the United States working paper, it should be possible to evolve a compromise solution. He outlined a system for three stages of disclosure and verification, the detailed plans for which had the approval of the French Government. He did not believe that disclosure and verification could be isolated from the disarmament process, nor could they be applied before the conventions governing regulation became operative. He preferred that the two procedures

of disclosure and disarmament should be dovetailed and that each phase of disclosure, if the verification proved satisfactory, should automatically lead to some regulatory procedure: limitation, reduction or prohibition. He also stated that there should be an equal measure of disclosure in both the atomic and non-atomic fields. As there was general agreement on the need for verification, that matter might be discussed first, and separately; he proposed five principles as a basis for such discussion.

The USSR representative said that the United States working paper was designed to replace the questions of the reduction of armaments and the prohibition of the atomic weapon by a proposal to collect information. Without preliminary decisions on the prohibition of atomic weapons and the reduction of armaments, no plan for disclosure and verification would have reality. The USSR position was that, upon the adoption of the decisions, all States would be required to submit full official information on all armed forces and all armaments, including atomic. If some governments rejected agreements relating to prohibition and reduction, others would hardly agree to admit inspectors from those governments within their borders. Moreover, the system of stages was designed by the United States for intelligence purposes so as to secure a complete picture of the war potential and strength of other States in armed forces and conventional armaments at the first stage, while data on atomic and other secret weapons were reserved for the fifth stage in the remote and indefinite future. The plan, he stated, would be of advantage only to the United States, which was pursuing an aggressive policy of relying on weapons of mass destruction rather than on manpower.

The French suggestions, the USSR representative said, were basically the same as those of the United States; they would have the effect of postponing information on atomic weapons. No plan of stages for disclosure would be acceptable. The USSR policy was that full official data on all armed forces and all armaments should be submitted simultaneously, as soon as decisions had been taken on the reduction of armaments and the prohibition of atomic weapons.

3. Proceedings in the Disarmament Commission

At nineteen meetings held between 28 May and 9 October the Commission discussed: (1) the working paper (DC/10) and the supplement thereto (DC/12), submitted jointly by France, the United Kingdom and the United States, setting forth proposals for fixing numerical limitation of all armed forces; and (2) matters relating to bacterial warfare, including proposals made by the United States representative and a USSR proposal (DC/13/Rev.1) for immediate consideration of that question.

a. DISCUSSION OF PROPOSALS FOR FIXING NUMERICAL LIMITATION OF ALL ARMED FORCES

The working paper submitted jointly by France, the United Kingdom and the United States presented proposals for ceilings on all armed forces. It was suggested that numerical ceilings for China, the USSR and the United States should be fixed at between 1 million and 1.5 million effectives, and for France and the United Kingdom at between 700,000 and 800,000 effectives. For other States having substantial armed forces, ceilings should be fixed with a view to avoiding a disequilibrium of power. They would normally be less than 1 per cent of the population and less than current levels, except in very special circumstances.

In introducing the working paper, the representative of the United Kingdom expressed the hope that the USSR would examine those far-reaching proposals, covering one of the important elements of the over-all disarmament problem. The proposals would, it was hoped, facilitate agreement on solutions for other component questions, since armaments could hardly be dealt with except in relation to armed forces. If there could be agreement on levels of forces, decisions regarding their equipment should be easier. The growth of confidence resulting from such agreement should make the problems of the prohibition of atomic weapons and of ensuring the effectiveness of that prohibition less formidable obstacles.

The proposals, he said, would provide a clear objective, as compared with the unknown results of the USSR plan for a reduction by one third. Moreover, the USSR proposals dealt only with the five Powers. The United Kingdom representative added that the tripartite plan would in some cases lead to a cut of more than one third.

The representative of the United States said that the aim of the three Powers was not merely to regulate the armaments used in war but to eliminate war as a means of settling disputes. Since the armed forces available affected the size of armaments, reduction of those forces should lessen the likelihood and fear of war. If armed forces could first be limited, and then armaments, all weapons of mass destruction could

be prohibited. The ceilings proposed for the five Powers sought to avoid a disequilibrium in order to reduce the danger of war. For other States, the same principle would be borne in mind—both a general equilibrium and an equilibrium in particular areas.

The three-Power proposal should be related to other components of the disarmament programme and should lead to comprehensive aggrements, the United States representative continued. Safeguards to ensure observance and to detect violations were necessary, as were a time schedule and provision for a future review of the levels. Moreover, although the United States was not establishing pre-conditions, there was an obvious connexion between the solution of major political issues, including a Korean settlement, and the reduction of armed forces and armaments.

The representative of France stated that if there were agreement on the principles enunciated in the paper, the remaining points could possibly be modified. The basis of the proposal, he said, was a bulk reduction which would be more substantial than one third. International tension would be relaxed by a progressive combination of disarmament and the settlement of other problems.

France, he declared, would not be content with a reduction in armed forces unless it was accompanied by a corresponding reduction in armaments, by the prohibition of weapons of mass destruction and by the establishment of controls. The Commission would have to evolve other component solutions and, after dealing with the problem of the sequence of the various measures, assemble them into a general programme. The French Government would sponsor conciliation and compromise and try to co-operate in proposing practical solutions.

In reply to an objection by the representative of the USSR that the proposal made no reference to the reduction of air forces and navies, representatives of the sponsoring Powers stated that the ceilings proposed would include all forces—naval and air as well as land forces. In reply to another statement by the USSR representative that the meaning of "China" in the context of the proposal should be made clear and that the proposals could not be considered without the participation of the Chinese Central People's Government, the representative of the United Kingdom, on behalf of the sponsoring Powers, stated that the word "China" denoted a country and not a Government and that the proposed ceilings would apply to China. As regards the participation of the Chinese People's Government, he said that the consideration of the USSR proposals involving a one-third reduction of the forces of China had not been barred on account of the absence of Chinese representatives.

In criticizing the proposals, the USSR representative said that the question of armed forces had been separated artificially from the main question: the prohibition of atomic weapons and the reduction of armaments. Although the need to create a balance of armed forces among the States and to prevent any break which would endanger international peace and security was stressed, nothing concrete was said about the reduction of armaments and the prohibition of atomic weapons and other weapons of mass destruction. The whole problem of strength had been reduced merely to the question of the effectives in the armed forces of States. However, the number of men in the armed forces of a State was not as important as the quantity of military aircraft and armaments it possessed and the size of its navy. The expansion of the last three had been demanded by the military and political leaders of the United States, who had constantly pointed out that those forces, being the main striking force, along with the atomic weapon, could attain victory without tremendous land armies.

By failing to include proposals for reduction of armaments, prohibition of the atomic weapon and weapons of mass destruction, the three-Power plan would place the United States in a privileged military position and would weaken the strength of other States. No balance would be created and the three Powers could increase their strength by expanding naval and air forces and intensifying the production of armaments, atomic weapons and other weapons of mass destruction. The proposals nowhere specified that air and naval forces were to be reduced as well as land forces, nor was there provision for a specific ratio between the various services. The emphasis was on the reduction of effectives in the land forces, including para-military and security forces, although anyone could clearly see that it was not para-military and security forces, but air and naval forces which, being kept in constant readiness for action, might be utilized for the purpose of aggression.

Indeed, the representative of the USSR went on to say, the proposals did not really offer a reduction in armed forces, but only the arbitrary imposition of ceilings. He produced data to demonstrate an enormous increase in the army, navy and air forces and armaments of France, the United Kingdom and, particularly, the United States. In the case of France, he said, the armed

forces would rise above the proposed ceiling only during the current year, as a result of the rearmament programme. The ceiling proposed for the United Kingdom would require only a negligible reduction, again from a peak reached through rearmament, and that reduction only at the expense of an insignificant number of men in units of secondary importance, but not at the expense of naval and air forces. As far as the United States was concerned, the object was to legalize the increased number of air and naval forces. The purpose of the limitation, he said, was to legalize an inflated condition for those Powers.

In conformity with United States policy, the USSR representative observed, the proposals passed over the question of the prohibition of bacterial warfare. A further omission was the absence of provision for the liquidation of the ever-increasing number of military bases abroad and of the armed forces stationed at those bases, which were useful exclusively for aggression.

If, however, the Governments of the three Powers really intended to reduce their armaments and armed forces by at least one third, and if they would agree to adopt a concrete decision on that question simultaneously with a decision on the prohibition of the atomic weapon and the establishment of control, the USSR delegation foresaw no difficulty in reaching agreement on concrete indices for such a reduction of armaments and armed forces.

The USSR representative said that the tripartite proposals were inadequate and could not lead to progress. No ratio or proportion was given for naval or air forces. The USSR proposals, on the other hand, would bring about a reduction by one third in each category of armed forces—land, sea and air—and also a one-third reduction in each type of armaments, including, for example, the various types of tanks, aircraft and guns. The USSR representative asked how the reduction of United States forces would take place under the tripartite proposals; what would be the respective percentages of reduction for land, sea and air forces; and what would be the ratio between the three services at the final level? Those were matters of the highest importance and could not be regarded as details; they required clarification if the proposals were to be discussed.

In reply, the representative of the United States said that the tripartite proposals had been distorted and misrepresented. The position of the three Powers on the nature of their proposals had been made clear: the ceilings on armed forces were proposed as one element of a comprehensive disarmament programme which would also include the reduction of armaments, the elimination of atomic weapons, the control of atomic energy, the elimination of all weapons of mass destruction, and the establishment of adequate and effective safeguards. Moreover, the limitations proposed were intended to extend to all armed forces: land, sea and air.

With respect to his Government's policies, the representative of the United States stated that his country was rearming to deter future aggressions. The United States did not desire unilateral disarmament, but it had presented various proposals—regarding disclosure and verification, the principles of disarmament, and ceilings for armed forces—which the USSR refused to consider and insisted on misrepresenting. At the same time, the USSR representative refused to elaborate and explain his Government's proposals with sufficient precision to permit their evaluation and proper consideration.

The United Kingdom representative stated that it was futile to pretend that the three Powers were seeking to avoid disarmament. It had been made clear that the proposals were designed as part of a whole. It had been felt, however, that an agreement on the question of forces would facilitate agreement on other matters. Under the proposals, the size of all types of land, sea and air forces would be the subject of negotiation, arid if the USSR were concerned about the effect on the balance of power, it could put forward proposals.

b. FRENCH SUGGESTIONS REGARDING SCHEDULES AND TIME-TABLES

The Commission then heard suggestions made by the representative of France regarding the schedule and time-table for giving effect to the disarmament programme. In his view, one of the reasons for the Commission's failure to make progress was the disagreement on the order in which the various substantive measures should be put into effect. The French position was that all decisions on limitations and prohibitions should be put at the head of a draft treaty, and the entry into force of each should be subject to two conditions: (1) there should be a definite sequence, and each limitation or prohibition should be undertaken only after the previous one had been certified as achieved by a designated international organ, but should then follow automatically; and (2) each limitation or prohibition should take place subject to the establishment in working order of the corres-

ponding control mechanism. That thesis was designed to conciliate the views that, on the one hand, the prohibitions and limitations should be promulgated at the outset and, on the other hand, that they should be put into effect only after the establishment of controls.

The French ideas would synchronize operations which might be classified into three groups: disclosure and verification; armed forces and conventional armaments; and atomic weapons and other weapons of mass destruction. Three comprehensive stages were suggested in the synchronized system. In the first stage there would be a cessation of the armaments race consequent upon the limitations of armed forces and total military expenditures. Bacterial and chemical weapons might be prohibited. Those events would follow the successful completion of corresponding disclosures and their verification. At the end of the second stage of disclosure, which would also be related to the subsequent events, the increase in stocks of conventional weapons and the manufacture of atomic weapons and of fissionable materials in dangerous quantities would be prohibited. At the end of the third stage of disclosure, and within a specified period of time, the reduction of armed forces and armaments would be undertaken and the prohibition of atomic weapons would enter into force as soon as the supreme organ had found that conventional armed forces had been properly reduced.

On the basis of plans along the foregoing lines, the French representative said, States would retain, at the end of a stated period, only conventional armaments which had been reduced to agreed levels. Controls would be functioning to ensure against the reappearance of weapons of mass destruction. In addition, there should be provision for further reductions until States would dispose only of such armed forces as would be necessary to ensure internal security and the fulfilment of international obligations.

c. SUPPLEMENT TO THE TRIPARTITE WORKING PAPER

At the eighteenth meeting, on 12 August, the representative of the United States introduced on behalf of the three sponsoring Governments a supplement (DC/12) to the three-Power working paper relating to fixing numerical limitation of all armed forces. Presenting the paper, he said that it met the objections to the three-Power proposals expressed by the USSR representative to the effect that they did not deal with the distribution of armed forces or the reduction of armaments. The supplement made it clear that the three Powers sought to prevent undue concentration of armed forces in any category such as would prejudice a balanced reduction. It also showed the intention that agreed solutions for all aspects of a disarmament programme should be worked out and brought into a balanced relationship. The three Powers had recognized, however, that the needs and responsibilities of States differed and that their defence required differing types of forces and armaments. The object of the three Powers was to secure the greatest reduction practicable in armed forces and armaments, in order to minimize the danger and fear of war, while avoiding any serious imbalance of power.

If the proposals for fixing numerical limitations on all armed forces were accepted, a conference of the five permanent members of the Security Council could be arranged with a view to reaching a tentative agreement on the distribution by principal categories of their forces within the agreed ceilings, the types and quantities of armaments for their support, the elimination of all other armed forces and armaments (expressly including all weapons of mass destruction) and the effective international control of atomic energy. Then, under the auspices of the Commission, there would be held regional conferences of all governments and authorities having substantial military forces in the respective regions, with a view to negotiating similar tentative agreements. Such tentative agreements would be incorporated into a draft treaty comprehending all the essential components of the disarmament programme and bringing them into balanced relationship. That implied that the limitations or reductions in armed forces and armaments and the steps in the elimination of prohibited armaments would begin at the same time and be carried out progressively in a synchronized manner. It should be understood, however, that the programme could only be put into effect after safeguards to ensure its execution and observance had been agreed upon and an international control authority had been established.

The representative of France said it was important to find a system of distribution between the major categories of armed forces, as well as a system for the reduction of armaments which would satisfy the responsibilities and security requirements of each State. No disarmament programme could be imposed by a majority on a minority and the three-Power proposals accordingly had left the broadest scope for negotiation. On the important questions concerned there should first be agreement among the five permanent

members of the Security Council and subsequently between the States having important armed forces in each area of the world. The timing of any programme and its co-ordination were matters to which France attached great importance. While it was not possible to make reductions before beginning the disclosure of information, or to give effect to prohibitions before there were means of control, it was not necessary to await the settlement of all details before making a beginning.

The representative of the United Kingdom emphasized that the proposals included all types of armed forces, including naval and air forces. The assertion that the ceilings were a device to enable the Western Powers to retain their naval and air forces at existing levels was demonstrably untrue. On the basis of the figures used by the USSR representative, it was mathematically impossible for the United States, even by abolishing its land forces, to reduce its armed forces below the proposed ceiling without reducing its naval and air forces by at least one third. Nor was it correct to pretend that the three Powers were seeking to secure a reduction of conventional armaments while leaving atomic weapons uncontrolled. Any agreement dealing with part of the disarmament programme was to be regarded as tentative until agreement had been reached on all parts.

In the course of the discussion, a number of questions were asked by the representatives of Chile and the USSR concerning the effect of the proposed conferences on the status and functions of the Disarmament Commission. The representative of France stated that no prejudice to the Commission had been intended. Provisional agreements on well-defined subjects would be reached in the five-Power conference and the regional conferences, and those results would be examined and harmonized by the Commission for inclusion in the general disarmament plan to be submitted to a world conference.

The representative of the USSR observed that no reply had been given by the supplementary proposals to the question of levels for land, sea or air forces or the ratios between those main categories within the global maximum levels to be set for the five Powers. Instead, there was a complex scheme of conferences which would cause confusion and delay, thereby avoiding a decision for the effective reduction of all armed forces. The three Powers did not wish the Disarmament Commission to determine either the global maximum levels or the inter-service ratios within those ceilings but to settle those matters in regional conferences. That process would enable them to increase the armaments of some States on various pretexts, as was evident from the experience of the League of Nations in its discussion of special needs and responsibilities. In particular, the process would enable the United States to avoid reducing its naval and air forces and its armaments and even to avoid the prohibition of the atomic weapon. Further, the United States was expanding its garrisons on foreign territories and forming aggressive alliances and the proposed regional conferences would give it a decisive voice in the conferences in all major regions of the world. Another intention of the regional conference plan, he said, was to avoid including in the consideration of the disarmament problem by the United Nations any representatives of the Chinese People's Republic, although their participation was essential for a solution.

The representative of the USSR emphasized the failure, both in the initial and the supplementary proposals, to meet the USSR point of view on questions of the prohibition of the atomic weapon, the nature of the controlling agency, the methods of disclosure and verification and the question of bacterial weapons. He said that the problems before the Commission could be solved only on the basis of the USSR proposals calling for the prohibition of the atomic weapon and the one-third reduction of all armaments and armed forces. Even after such reduction, he stated, the military preponderance of the three Western Powers over the USSR would remain, while all would abandon the use of the atomic weapon. Both the initial and the supplementary proposals, he said, advocated disclosure and verification instead of the reduction of armaments; they would delay vital decisions by means of a fallacious plan for setting up stages.

d. DISCUSSION OF PROPOSALS CONCERNING BACTERIAL WARFARE

At the nineteenth meeting of the Commission, on 15 August, the representative of the United States made a statement concerning his Government's position on bacterial warfare. The statement was subsequently summarized in a working paper (DC/15). The representative of the United States emphasized that the elimination of germ warfare, as well as the elimination of mass armies and atomic warfare, must be an essential part of a comprehensive disarmament programme to reduce the danger of aggression and fear of war. He affirmed that the three Western Powers considered such elimination essential and that their

proposals include the elimination of bacterial weapons. He then recalled the statement on the question of ratification of the Geneva Protocol by the United States representative in the Security Council[90] in which he had given the reasons why the United States had not ratified the Protocol and why it considered it obsolete in the light of present day developments. He added that, at the time the Protocol was presented to the United States Senate in the 'twenties, the United States was retreating into isolationism and feared any involvement with the League and any treaties originating from Geneva. However, the United States had committed itself, as had all Members of the United Nations, to refrain not only from the use of poison gas and bacterial warfare, but also from the use of force of any kind contrary to the Charter. The United States intended to abide by that commitment. The United States position was that war should be made inherently, as it was constitutionally under the Charter, impossible as a means of settling international disputes and that the problem of disarmament should be approached with a view to preventing war rather than regulating the armaments to be used. However, until effective safeguards had been agreed upon, the United States did not intend to invite aggression by committing itself not to use certain weapons to suppress aggression. It might be that theoretically fool-proof safeguards could not be devised. But the disarmament programme should ensure that armed forces and armaments were reduced in a such a manner that no State would be in a position of armed preparedness to start a war, or to undertake preparations for war without other States having knowledge of those preparations. The principal safeguards to ensure the elimination of bacterial weapons, as well as the observance of other disarmament measures, were to be found in an effective and continuous system of disclosure and verification. The United States proposed that, at appropriate stages in such a system, agreed measures should become effective, providing for the progressive curtailment of production, the progressive dismantling of plants and the progressive destruction of stockpiles of bacterial weapons and related appliances.

The representative of the USSR formally moved that the section of the USSR draft plan of work (DC/4/Rev.l, see above) calling for the Commission's consideration of the question of violation of the prohibition of bacterial warfare, the question of impermissibility of the use of bacterial weapons, and the question of calling to account those who violated the prohibition, be placed on the agenda for immediate consideration. On 27 August he submitted his proposal in writing (DC/13/Rev.l).

In reply to the statement of the United States representative, he said that the United States had prevented the adoption by the Security Council of a USSR proposal appealing to all States which had not done so to ratify the Geneva Protocol. It had also prevented the Security Council from hearing concrete evidence that the United States had used bacterial warfare in Korea. It had objected to and opposed the adoption by the International Conference of the Red Cross of a resolution calling for the ratification of the Geneva Protocol. No United States proposal had been made for the prohibition of bacterial weapons. The United States had therefore been exposed as the opponent of such prohibition. He therefore pressed for the immediate consideration of the USSR proposals relating to bacterial warfare, stating that it was the duty of the Commission to ensure the prohibition of bacterial weapons.[91]

Several representatives, including those of Greece, Chile, Pakistan, the United States, Turkey and France, expressed the view that the programme of work adopted by the Commission provided for discussion of the problem of bacterial warfare. The representatives of Pakistan, Chile and the United States suggested that, if the USSR representative were to submit any concrete proposal concerning bacterial warfare, the Commission could decide to consider it after the conclusion of the debate on the three-Power supplementary proposals.

At the 24th meeting of the Commission on 27 August, the representatives of Chile, France and Turkey jointly submitted an amendment (DC/14) to the adopted plan of work which would add the words "including bacterial weapons" in the appropriate place in the programme. In the subsequent voting, the USSR proposal (DC/-13/Rev.l) was rejected by 9 votes to 1 (USSR), with 2 abstentions (Chile and Pakistan). The joint Chilean-French-Turkish proposal was adopted by 10 votes to none, with 2 abstentions (Pakistan and USSR).

On 4 September, the United States representative submitted a working paper (DC/15) setting forth a summary of the proposals made by him for the elimination of bacterial weapons in connexion with elimination of all major weapons adaptable to mass destruction.

[90] See p. 324.

[91] For a statement of the USSR views on the question before the Security Council, see p. 325; these views were also stated before the Commission.

e. REPORTS OF THE DISARMAMENT COMMISSION

The Commission adopted two reports, one (DC/11) on 28 May 1952, containing a brief procedural account of its work up to that date, and another (DC/20) on 9 October, containing the texts of the proposals and a summary of the discussions. By a letter dated 29 May 1952 (S/2650), the Chairman of the Commission transmitted the first report to the Security Council.

The item "Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission" was placed on the agenda of the seventh session of the General Assembly, in accordance with the provisions of resolution 502 (VI). While a number of representatives made reference to the question in the general debate and the item was referred to the First Committee, consideration of the item as such was deferred to the second part of the session in 1953.

N. THE QUESTION OF AN APPEAL TO STATES TO ACCEDE TO AND RATIFY THE GENEVA PROTOCOL OF 1925 FOR THE PROHIBITION OF THE USE OF BACTERIAL WARFARE

The following item was included in the provisional agenda of the 577th meeting of the Security Council on 18 June 1952 by the President (Representative of the USSR): "Appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial warfare". Following a proposal by the representative of the United States, the item was changed to read: "Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial warfare". The item, with the English title alone thus modified, was included in the agenda.

The Security Council considered the question at its 577th to 579th and 581st to 583rd meetings between 18 and 26 June 1952. Before it was a draft resolution (S/2663) by the USSR, under which the Council, having regard to the existence of differences of opinion concerning the admissibility of the use of bacterial weapons, noting that the use of such weapons had been justly condemned by world public opinion, as expressed in the signature by 42 States of the Geneva Protocol of 17 June 1925, would decide to appeal to all States, both Members and non-members, which had not yet acceded to or ratified the Protocol, to accede to and ratify it.

Introducing his draft resolution, the President, speaking as the representative of the USSR, stressed the importance of the Geneva Protocol as a factor in restraining the use of bacterial and chemical weapons by the aggressive States which had precipitated the Second World War. He said that 48 States, including all of the Great Powers, had signed or acceded to the Protocol, and only six States, Brazil, El Salvador, Japan, Nicaragua, the United States and Uruguay, had not ratified it. The development of the production of bacterial and chemical weapons, the preparations being made in certain countries for bacterial warfare and the differences of opinion among statesmen and leaders on the use of bacterial weapons created a threat to the peace.

The United Nations and the Security Council, as its main organ bearing the responsibility for the maintenance of peace and security, must, he said, take steps to prevent the use of bacterial weapons. In this connexion, he also referred to General Assembly resolution 41(I) of 14 December 1946 which had contemplated the prohibition and elimination of all weapons adaptable to mass destruction. Later in the debate, the representative of the USSR repudiated suggestions that his proposals were in any way connected with charges of germ warfare in Korea.

During the debate in the Council, the following points of view emerged. The representatives of Chile, China, Greece, Turkey, the United Kingdom and the United States concurred in the view that the USSR proposals had been timed to coincide with an organized propaganda campaign on the part of the USSR and its supporters that the United Nations Forces in Korea had used germ warfare. The proposals therefore could not be accepted as a genuine effort to secure the prohibition of bacterial weapons. Moreover, these representatives maintained, however praiseworthy and humane the provisions of the Geneva Protocol might have been, they were now obsolete since they contained no safeguards or guarantees and were not accompanied by any system of international control. Mere declarations, they argued, could not secure any real or effective prohibition. What was really needed, they said, was a com-

prehensive plan of disarmament which would guard against aggression. They therefore supported a United States motion that the question be referred to the Disarmament Commission.

The representative of the United States said that the reasons why the United States Senate had not ratified the Protocol of 1925 were scarcely relevant at present. In 1947, in full recognition of the problems confronting the freedom-loving world, the President of the United States had withdrawn from the Senate Calendar the Geneva Protocol and eighteen other treaties which had become just as obsolete.

The United States representative said that the USSR in ratifying the Geneva Protocol had made reservations which would enable it to use germ or poison gas warfare against an enemy which used it first. While the reservations were in themselves not inappropriate, the USSR, by charging the United Nations Command with using bacterial weapons, had set the stage for using the weapons itself, should it decide to declare that the States resisting aggression in Korea were its enemies. What the world was really concerned about was the known capacities of States, whether they possessed certain weapons and had the capacity and means to employ them. The USSR, he said, had admitted that it was engaged in research on bacterial weapons.

As regards his Government's attitude towards germ warfare, he said that the United States had never used it and would never use it in Korea or anywhere else. His Government, he said, was willing to eliminate not only bacterial but all other weapons adaptable to mass destruction from its armaments provided a system of control was enforced. But it was unwilling to join in perpetrating a fraud on the world by relying solely on paper promises. It was clear that the Disarmament Commission was the only proper body to consider the matter and he had therefore proposed that the USSR draft resolution be referred to it.

The representative of France said that his Government considered that the Geneva Protocol retained all its legal value and moral authority. Although it should be merged in a wider system for the control and abolition of weapons of mass destruction, pending the achievement of that desirable result, the Geneva Protocol remained the chief international instrument which could, if respected, strip war of some of its more barbarous aspects. Its provisions were as binding as ever on the States parties to it. The USSR proposal, however, could not be isolated from the current propaganda campaign organized by the USSR Government, which rejected the most respected and acknowledged legal processes by refusing to have their accusations examined by an impartial commission of investigation. The manoeuvre was obvious. The only body competent to discuss the USSR proposal, he concluded, was the Disarmament Commission. As the French representative on that Commission had made clear, his Government included bacterial weapons among the forms of warfare to be prohibited.

The representative of the Netherlands stated that the question of the use of bacterial weapons had been raised by the USSR in many organs of the United Nations and that in the Disarmament Commission it had been raised in the form of violent and unproved charges against the United States forces currently resisting aggression in Korea. Although it had been ruled that the Commission was not the proper forum for the discussion of these charges,[92] it did not mean that the Commission could not discuss the problem of bacterial warfare as such. That problem formed part of the larger question, not only of the prohibition but also of the elimination of all major weapons of mass destruction including bacterial weapons. He therefore considered the United States proposal to refer the Soviet draft resolution to the Disarmament Commission to be entirely logical.

The representative of Pakistan stated that he believed that the USSR had proposed the item for the best and most humanitarian reasons but it was difficult to dissociate it from the general picture of world events. He also believed that though the reasons for the non-ratification of the Geneva Protocol by the United States were obscure to him, he was convinced that they could not be sinister. The Protocol, he considered, was not an agreement to end bacterial or gas warfare; it merely regulated retaliation and reprisals. He stated that the fact that both Ethiopia and Italy had acceded to the Protocol had not prevented Italy from inflicting the horrors of gas warfare on Ethiopia. The Soviet proposal, he considered, was ill-timed. The smaller nations of the world would want much greater guarantees than those provided under that proposal. He therefore supported the United States proposal to refer the question to the Disarmament Commission.

The representative of Brazil, supporting the United States motion for referring the draft resolution to the Disarmament Commission, stated that only the fear of retaliation had prevented the use of poison gas and bacterial warfare by the aggressors in the Second World War. The

[92] See p. 313.

standards of international morality had become such that the protection supposedly afforded by the Protocol had become illusory.

In his reply, the representative of the USSR emphasized the following points.

Dealing with the argument that the prohibition of bacterial warfare should be accompanied by international guarantees and international supervision, he said that, due to the very nature of the production of bacterial weapons, there could be no international supervision. Such supervision could never be complete and was bound to remain ineffective. This had been the conclusion reached by a Special Committee of the League of Nations and by the New York branch of the American Association of Scientific Workers, which had recently voiced the demand for prohibition of bacterial weapons.

He said that the refusal of the United States to ratify the Protocol was not due to the Protocol having become obsolete but for the following reasons which had been stated in the United States Senate in 1926 and which equally applied today. First, chemical weapons were regarded as cheaper to produce and more effective to use in waging war. The second reason for refusal was distrust of other States and peoples, and that was why the United States was preparing to use weapons of mass destruction against them. The third factor was the opposition of the American Legion and other military organizations and of American chemical concerns which feared that ratification of the Protocol would affect production and profits. The USSR representative recalled that his Government had not only ratified the Protocol immediately, but had taken immediate steps to improve it. The League of Nations had adopted a USSR proposal to invite all Governments to accede to and ratify the Protocol. That decision had been ignored by the United States. A proposal for a new appeal had not been adopted in 1932 owing to the opposition of the bloc of States then headed by the United Kingdom.

Declaring that there were no United States proposals providing for the prohibition of bacterial weapons, the USSR representative said that the statement of the United States representative on the Disarmament Commission concerning the desirability, in the indefinite future, of prohibiting atomic weapons and all other types of weapons of mass destruction could not be regarded as a concrete proposal. A general disarmament programme, of which the prohibition of bacterial weapons would be a component part, was undeniably essential, and the USSR had made every effort since the establishment of the United Nations to draw up such a programme. He said that the USSR delegation had proposed that the question of the prohibition of bacterial weapons and of bringing to account those who violated the prohibition should be considered by the Disarmament Commission but that this USSR proposal had been rejected by the United States delegation. Stating that no agreement had been reached, he asked why the Council should turn its back on an already existing international agreement which was widely acknowledged to be useful and effective? He felt that the Council should support the Protocol until a more effective agreement was framed. An appeal by the Security Council, he said, would, indeed, assist the Disarmament Commission in its work.

The representative of the USSR denied the allegation that it was the USSR which had launched the accusations of the use of bacterial warfare by the United States against the Chinese and Korean peoples. He said that the protest had been made first on 22 February 1952 by the Foreign Minister of the People's Democratic Republic of Korea, and it had not been until 19 March that the USSR had introduced a proposal in the Disarmament Commission for prohibiting bacterial weapons. The People's Democratic Republic of Korea and the People's Republic of China had submitted documentary proof of the use by the United States armed forces of bacterial warfare in Korea. The United States had not said one word against the use of such warfare; this silence, he said, was significant, irrespective of events in Korea.

He recalled that Germany had declared in 1939 at the outset of the Second World War that it would observe the prohibition of the use of chemical and bacterial weapons provided for in the Protocol, on condition of reciprocity. President Roosevelt had made two formal statements warning the Axis Powers against the use of poisonous substances. Those facts emphasized still further the significance of the obligations of the Geneva Protocol. He also recalled that the States signatories to the Protocol had undertaken the obligation to exert every possible effort to induce other States to accede to it. By opposing his draft resolution, he concluded, these States were failing in those obligations.

Regarding the statement by the United States representative that the USSR had made reservations to the Geneva Protocol, the USSR representative said that every State had the right to make such reservations and indeed 22 of the 42 States which had ratified the Protocol had made them, including the United Kingdom. It was an insult to those States to use that argument.

In reply, the representative of the United States stated that the USSR representative had not as yet withdrawn or abandoned the campaign of falsehoods against the United States, but had attempted to dissociate the proposal relating to the Geneva Protocol from that campaign. Was that because the introduction of those charges would inevitably invite investigation?

The United States Government, he said, considered that effective control could be devised and effected in a relatively open world such as that envisaged in the proposal before the Disarmament Commission. His Government had consistently taken the position that the elimination of bacterial weapons must be included in a comprehensive and co-ordinated disarmament programme. The USSR representative's claim that consideration of the question "of banning bacterial weapons had been opposed in the Disarmament Commission was without foundation, since the paragraph from the USSR plan of work on that subject had been rejected by the Commission in favour of a better formulation which, in fact, covered the prohibition of germ warfare: The United States representative had not criticized States for having expressed reservations regarding the Geneva Protocol, but had pointed out that those reservations became a fraud when a Government which expressed them habitually used the weapon of the lie. The Geneva Protocol, he said, could not be isolated from the vicious reality of the existence of the USSR propaganda campaign. The representative of the United States considered that the Council must concern itself with the USSR charges, in order to prevent them from continuing to poison relations among States and to obscure the significance of the United Nations action in repelling aggression in Korea.[93]

At the 583rd meeting of the Security Council on 26 June 1952, the USSR draft resolution (S/2663) was rejected. There was one vote in favour (USSR) and 10 abstentions.

The representative of the USSR said that the representatives who had abstained had known that an abstention amounted to a negative vote. While officially declaring their loyalty to the obligation of the Geneva Protocol, those representatives, under pressure from the United States, had, he said, in effect, voted against the adoption of a draft resolution designed to strengthen the cause of peace and security. That action of the Council was yet another instance of how the United States was preventing and opposing the strengthening of peace and international security.

The representative of the United States said that the vote demonstrated the attitude of the members of the Council toward the false issue raised by the USSR. He did not think that the action of the Council could be disposed of by the USSR representative's attempt to dismiss it as an action dictated by any one of the Council's members.

The United States, he continued, had not ratified the Protocol because it was loyally engaged in a major effort to achieve genuine disarmament and genuine control of weapons of mass destruction which would make it possible to eliminate those weapons. Security must be based upon strength and safeguards, and reliance could not be placed upon treaties which did not contain effective machinery for the elimination of weapons of mass destruction. The United States representative also stated that, despite the USSR representative's claim that the issue of the ratification of the Geneva Protocol was, unconnected with the false charges of germ warfare which the USSR Government had continued to make, the two matters had been linked by Moscow and Peiping Radios.

In view of the decision taken by the Council, the United States representative withdrew his motion to refer the USSR draft resolution to the Disarmament Commission, noting that the matter was in any case under discussion in that Commission.

The representative of Pakistan said that he had abstained because he considered that the proper forum for the discussion of the question was the Disarmament Commission. He regretted that the United States proposal had been withdrawn; he would have preferred, since the question had been raised in the Council, that the matter should be referred to the Commission, with perhaps increased emphasis. He requested that the Commission should redouble its efforts and should take the debate in the Council into consideration in dealing with the question of bacterial warfare.

The representatives of the Netherlands and of Greece stated that they had abstained, despite the fact that their Governments had ratified the Geneva Protocol, because they did not want to support an effort to use the Protocol to create an artificial division between some peace-loving and free countries and one other peace-loving and free country.

The representative of the United Kingdom considered that the United States decision to withdraw its proposal had not been unnatural since the USSR representative had made it clear that

[93] The United States, therefore, submitted the item "Question of a request for investigation of alleged bacterial warfare". For consideration of the item, see below.

he would veto it in the event that it was put to the vote. In substance, the matter was in any case already before the Disarmament Commission, which could examine the USSR draft resolution, if it wished to do so, in the whole context of the problem of the elimination of all weapons of mass destruction. Reiterating his view that it was the fear of retaliation that had prevented the use of gas warfare by the Axis Powers during the Second World War, he stated that his Government was firmly resolved to abide by the Geneva Protocol scrupulously. That Protocol was important because it codified the sense of conscience and of decency which bound all civilized nations.

The representative of Brazil said that he had abstained both because of the circumstances in which the question had been brought before the Council and because his delegation was not convinced that ratification of the Protocol would, in practice, serve the purpose of bringing about real security against the actual use of bacterial weapons.

The representative of Chile rejected the unjustified interpretation which the USSR representative had placed upon the vote cast by his delegation.

In a final statement, the representative of the USSR said that the United States had first proposed that the USSR proposal be referred to the Disarmament Commission. Other members of the Council had supported the proposal but had been betrayed and misled by the United States.

The statements made during the discussion, in the view of the USSR representative, indicated that the Geneva Protocol continued to be an important international instrument, which had become a part of international practice as well as a standard morally binding on all people. The fact that the United States representative alone in the Council scorned the Geneva Protocol, yet had decided not to vote against the USSR proposal, was the best evidence that the proposal was directed toward strengthening the cause of peace and that the Protocol had prevented, was preventing and would prevent aggressors of their time from using prohibited bacterial and chemical weapons.

In a note dated 8 October 1952 (S/2802) the representative of the USSR requested the Secretariat to issue as a document of the Security Council and to communicate to all delegations to the United Nations a "Report of the International Scientific Commission for the investigation of the facts concerning bacterial warfare in Korea and China" which his delegation had received from the Secretariat of the World Peace Council.

O. BACTERIAL WARFARE

1. Consideration by the Security Council

In the course of the Security Council's consideration of the question of ratification of the Geneva Protocol relating to bacterial warfare,[94] the representative of the United States, at the 579th meeting of the Council on 20 June 1952, requested that the Council concern itself with the false allegations made by the USSR that the United Nations forces in Korea had used germ warfare. He proposed that the item "Question of a request for investigation of alleged bacterial warfare" be placed on the Council's agenda. He submitted a draft resolution (S/2671), by which the Council would note the concerted dissemination by certain governments and authorities of grave accusations charging the use of bacterial warfare by the United Nations forces, would also note that the Government of the USSR had repeated those charges in organs of the United Nations, and would recall that the Unified Command for Korea had immediately denied the charges and had requested an impartial investigation. The Council would request the International Committee of the Red Cross to investigate the charges and to report the results to the Council as soon as possible. The Council would, further, call upon all governments and authorities concerned to accord to that Committee full co-operation, including the right of entry to, and free movement in, such areas as the Committee might deem necessary in the performance of its task.

a. QUESTION OF INVITING NORTH KOREAN AND CHINESE REPRESENTATIVES

The question appeared as the second item on the provisional agenda of the 580th meeting of the Security Council held on 23 June, when the representative of the United States moved the adoption of the agenda. The President, speaking as the representative of the USSR, stated that he agreed to the inclusion of the proposed item in the agenda, but considered that it would be absurd to discuss it without the participation of

[94] See pp. 323-27.

representatives of the States in whose territories the events referred to in the United States draft resolution had occurred. The views of the parties must be heard if the Council were to discuss the matter objectively. He submitted a draft resolution (S/2674) calling for a decision to invite, simultaneously with the inclusion of the item in the agenda, representatives of the People's Republic of China and of the People's Democratic Republic of Korea to the meetings of the Council at which the item would be discussed. Common justice, the Charter and previous practice required the participation of representatives of those Governments in the Council's discussion, the USSR representative said.

The representative of the United States said that it was clear that if the Council should accept the imposition of conditions upon the adoption of the agenda, it could be faced with a situation making impossible the carrying out of its responsibilities and duties.

The representative of the United Kingdom and some other representatives, urging the adoption of the agenda, stated that only in the light of the statement to be made by the representative of the United States could the Council decide whether the matter was one on which the representatives of the Peiping Government and the North Korean authorities should be heard.

The Council resumed consideration of the matter at its 581st meeting on 25 June, when the item proposed by the United States appeared as the fourth point on the provisional agenda. The United Kingdom representative proposed the adoption of the agenda. The President, speaking as the representative of the USSR, orally submitted an amendment to the United Kingdom proposal similar in substance to the USSR draft resolution of 23 June. The representative of the United Kingdom thereupon withdrew his proposal and the President ruled that the USSR amendment be put to the vote as an amendment to an earlier proposal made by himself as President asking the Council to adopt the provisional agenda. The representative of the United Kingdom challenged the President's ruling, which was overruled by 10 votes to 1 (USSR).

The item proposed by the United States was then included in the Council's agenda by 10 votes to 1 (USSR).

At the same meeting the President, the representative of the USSR stated that he had voted against the inclusion of the item in the agenda because the Council had not agreed to settle the question of inviting representatives of the Chinese People's Republic and the People's Democratic Republic of Korea at the same time as the question of including the item in the agenda was settled. He then submitted a revision of his draft resolution (S/2674/Rev.l), providing for an invitation to representatives of the People's Republic of China and of the People's Democratic Republic of Korea, without specifying that the invitation should be made simultaneously with the inclusion of the item in the agenda. This draft resolution was put to the vote at the Council's 585th meeting on 1 July 1952 and was rejected by 10 votes to 1 (USSR).

The representative of the USSR stated that the United States, afraid that representatives of the People's Republic of China and the People's Democratic Republic of Korea might adduce definite evidence of the use of bacterial warfare by United States forces, had prevented their participation in the Council's meetings. The allegations of bacterial warfare had been supported by a number of foreign correspondents and international organizations—among the latter the World Peace Council and the International Association of Democratic Lawyers. Supporting documents had been issued as Security Council documents (S/-2684 and Add.l). Since access had been denied to representatives of the other side, without whom a proper discussion could not be held, the USSR, its representative said, would not participate in the consideration of the item and would vote against the United States draft resolution.

b. CONSIDERATION OF THE UNITED STATES PROPOSAL

In his statement, the representative of the United States said that false and malicious propaganda of great magnitude and intensity, initiated by Chinese and North Korean Communists and intensified by the USSR, had developed over the alleged use of bacterial warfare by the United Nations forces in Korea. The object of the campaign was not only to create hatred against the United States but also to divide, confuse and paralyse the United Nations itself. The charges had been denied categorically by the United States Secretary of State, the Secretary-General of the United Nations, the United Nations Commander-in-Chief, the United States Secretary of Defense and several responsible officials of other United Nations Members.

The Secretary of State of the United States, he said, had challenged the Communists to submit their charges to the test by allowing an impartial investigation. On 11 March he had re-

quested the International Committee of the Red Cross to determine the facts. The International Committee had agreed to set up a committee of investigation, provided that both parties offered their co-operation. The Committee was to consist of persons offering every guarantee of moral and scientific independence and would also include scientific experts proposed by Far Eastern countries not taking part in the conflict. The Secretary of State of the United States had at once accepted the offer, whereas the Soviet-controlled propaganda machines all over the world had at once initiated a drive to blacken the International Committee of the Red Cross. Soviet newspapers and Communist newspapers in widely scattered parts of the world had stepped up the charges of germ warfare. So-called investigation commissions had been set up; one, carefully selected from among Chinese Communists; another staged by the International Association of Democratic Lawyers, made up of faithful followers of the Communist party line.

All independent scientists, including at least ten Nobel Prize winners, had expressed complete scepticism of the charges, the United States representative continued. The Chief United Nations Public Health Officer in Korea had recalled the successful efforts with which the United Nations had combatted epidemic disease in the Republic of Korea. It was typical of the United Nations attitude toward epidemics and disease that, when the charges of bacterial warfare had first been made, the World Health Organization had offered to provide technical assistance in controlling the reported epidemics in North Korea. If the Soviet Union Government had had any regard for the truth, recourse to the Security Council had always been open to it. Instead, the representative of the USSR had brought the charges to the Disarmament Commission,[95] which was not competent to discuss them under its terms of reference.

The germ warfare charges, the United States representative said, were part of a campaign to discredit the United Nations and particularly the United States for their initiative in stopping aggression in Korea and to deceive the world into believing that the USSR had taken a peace initiative. Such a policy, he said, was a revolt against the purpose of the Charter to develop friendly relations among nations. Impartial investigation would wreck the campaign, but if the USSR, through its veto which had been threatened, rejected an investigation, it would wreck the campaign just as surely, for then it would be confessing that it knew that the charges were false.

At the 586th and 587th meetings on 2 and 3 July, the representatives of Brazil, Chile, China, France, Greece, the Netherlands, Turkey and the United Kingdom spoke in support of the United States proposal.

It was argued, inter alia, that the refusal to accept the proposal for an investigation by the International Committee of the Red Cross, without offering any reasonable alternative, lent credence to the assumption that the USSR feared that such an investigation would prove the falsity of these charges and that the charges themselves had the political purposes designed to create confusion and division in the free world, and to stir up anti-Western feelings in Asia. The United States could not be accused of being afraid of the truth since from the outset its Administration had declared that all it wanted was an impartial investigation. The United Kingdom representative expressed the hope that the USSR would not veto the United States draft resolution, but would abstain in the vote.

At the 587th meeting of the Council, the United States draft resolution was put to the vote. The vote was 10 in favour and 1 against (USSR). The negative vote being that of a permanent member, the draft resolution was not adopted.

c. SECOND UNITED STATES DRAFT RESOLUTION

Stating that the USSR veto had proved the falsity of the germ warfare charges, the United States representative submitted another draft resolution (S/2688) by which the Council would note:

(1) the concerted dissemination by certain governments and authorities of charges of bacterial warfare by United Nations forces;

(2) the denials of the charges by the Unified Command and its request for an impartial investigation;

(3) that the Chinese Communists and North Korean authorities had failed to accept the offer by the International Committee of the Red Cross to carry out such an investigation but had continued the dissemination of the charges;

(4) the offer of the World Health Organization to combat epidemics in North Korea and China and the offer of the Unified Command to co-operate in the effort;

(5) that the Chinese Communists and North Korean authorities had rejected the offer;

(6) that the USSR had repeated the charges in the United Nations but by the use of its negative vote in the Council had prevented the investigation of those charges.

[95] See p. 313.

According to the draft, the Council would conclude that the charges were false and would condemn the practice of fabricating and disseminating such false charges.

At the 588th meeting on 8 July, the representative of the United States said that, despite their rejection and repudiation of an impartial investigation, the representative and the Government of the Soviet Union were continuing their practice of fabricating and disseminating false charges. After recalling the General Assembly resolutions 110(II) of 3 November 1947, originally introduced and supported by the USSR delegation, and 381 (V) of 7 November 1950, both condemning propaganda against peace, the representative of the United States quoted a number of excerpts from USSR radio and press statements, as well as from sources in other countries, to show that the Government of the USSR was continuing to wage a world-wide campaign of hatred against the United States and the United Nations. As the trustees of the Charter, the Council could not afford to overlook that type of attack. By supporting the United States draft resolution, the members of the Council could demonstrate to the Government of the USSR the wisdom of dropping its campaign of hatred.

The representative of the USSR stated that official statements received from the Governments of the Chinese People's Republic and the People's Democratic Republic of Korea which were before the Council proved that the United States forces had used bacterial weapons in Korea and China. The USSR publicity media had merely published the facts cited in those statements. The United States draft resolution, he protested, was provocative and designed to divert public attention from the question.

He said that the proposed investigation by the "International" Committee of the Red Cross had been rightly rejected since that body was in no sense international but merely a tool of United States policy. The offer from the World Health Organization had also been rejected because that organization did not possess the required international authority and, over a number of years, had failed in the task of combating disease. He referred, in this connexion, to a telegram (S/2684) from the Foreign Minister of the People's Democratic Republic of Korea to the Secretary-General which stated that his Government had successfully combated the epidemics and did not need the help of the World Health Organization. He concluded that the evidence that had been cited proved that the United States forces had used bacterial weapons in Korea and China.

Moreover, the question could not be discussed in the Council without the participation of the representatives of the Chinese People's Republic and the People's Democratic Republic of Korea. That position, he said, was supported by Article 32 of the Charter and reflected in rule 38 of the Council's rules of procedure, providing for the participation of both sides in the discussion of a dispute considered by the Council. He therefore declared that he would not participate in the discussion of the second United States draft resolution.

At the 589th and 590th meetings, held on 8 and 9 July, the representatives of Greece, the Netherlands, China, France, Brazil, Chile, the United Kingdom and Turkey made statements supporting the United States draft resolution. It was argued that, in spite of the affirmations of the USSR representative and the documents he had quoted, no proof of the just basis of the Communist charges had been given. It was to be regretted that the Soviet veto had not only made an impartial investigation impossible, but had even made it impossible for the North Korean and Peiping authorities to reconsider the question. Actually, because of the Soviet veto, one could not offer absolute proof of the falsity of the accusations proffered, since such proof could only result from an investigation on the spot; and that was precisely the reason why the Soviet Union would in no circumstances permit such an investigation to take place. The Security Council, even in the face of the threatened Soviet veto, must condemn such practices which deeply troubled international relations and peace. Moreover, it was a moral duty for the Security Council to back the forces which were fighting to defend collective security, when they were subjected to attacks as unjust as they were serious.

The representative of Pakistan stated that his delegation would abstain in the vote. His Government thought that it would be somewhat difficult to treat a matter which one wanted investigated as though the investigation had taken place and as though the guilt had been proved. However, he wished to stress that, if the proposal to have an impartial investigation had been accepted, the discussion on the item would not have finished. It would have come back to the Council at a much riper stage. Therefore, accepting that proposal would not have shut the door on an invitation to the authorities of the People's Republic of China and of North Korea.

At the 590th meeting on 9 July 1952, the United States draft resolution (S/2688) was put to the vote. The vote was 9 in favour, 1 against

(USSR), and 1 abstention (Pakistan). Since the negative vote was cast by a permanent member of the Council, the draft resolution was not adopted.

2. Item Submitted to the General Assembly

By a letter dated 20 October 1952 (A/2231) the Chairman of the United States delegation to the seventh session of the General Assembly requested that the item "Question of impartial investigation of charges of use by United Nations forces of bacteriological warfare" should be placed on the agenda of the session.

At its 386th meeting, on 21 October, the General Assembly decided to include the item in its agenda and to refer it to the First Committee for consideration and report. The item was not considered during the period covered by the present issue of the Yearbook. The item was considered at the second part of the seventh session in 1953 and will therefore be dealt with in the 1953 Yearbook.

P. REPORT OF THE COLLECTIVE MEASURES COMMITTEE

After the Assembly's sixth session had discussed the report of the Collective Measures Committee (A/1891), it adopted resolutions 503 A and B (VI) of 12 January 1952, which, inter alia,[96] directed the Collective Measures Committee to continue for another year its studies of methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of both regional and collective self-defence arrangements.

The Collective Measures Committee met again on 15 April 1952. Mr. Joao Carlos Muniz (Brazil) continued as its Chairman. In order to expedite consideration of its work, the Committee appointed a Sub-Committee on Economic and Financial Measures and a Sub-Committee on Military Measures to study and report to the full committee on particular subjects.

In its report (A/2215) submitted to the Assembly's seventh session, the Committee stated that its work during 1952 had consisted primarily in an elaboration of particular subjects within the framework of the United Nations collective security system outlined in the first report of the Committee (A/1891), to which the second report should be considered supplementary.

Recognizing the importance of providing instruments and machinery ready for use in collective action, the Committee, the report stated, had drawn up three lists of materials to which selective embargoes might be applied:

(1) a list of arms, ammunition and implements of war; (2) a reference list of items of primary strategic importance, which might be as important for an aggressor as arms and ammunition; (3) a reference list of strategic items that might prove of vital importance in specific situations, containing such items as industrial equipment, metals, minerals, chemicals, petroleum and rubber.

The Committee had also studied the economic and financial aspects of the problem of equitable sharing of burdens involved in collective measures. In the Committee's view, the basis for such equitable sharing could not be formulated in advance of a specific situation, but consideration should be given at the time when collective measures were initiated to the establishment of machinery to deal with this question. The Committee further stated that it was important to recognize that the measures of assistance to victims of aggression, set forth in the first report of the Committee, might also be appropriate in cases of hostile economic pressure constituting a threat to the peace.

The Committee, the report stated, had studied the potential role of the United Nations organs and specialized agencies in application of collective measures and found that the possibilities varied greatly from agency to agency, but that the various agencies within their field of competence could play a useful and important role in the application of collective measures. Each specialized agency should be regarded as responsible for deciding the nature and extent of its participation in collective measures. However, Members of the United Nations which were also Members of the specialized agencies had an essential part to play in assuring ready co-operation and assistance on the part of those agencies.

As to collective military measures, the Committee was able only to give preliminary consideration to a proposal submitted by the Secretary-General for the establishment of a United Nations Volunteer Reserve, consisting of units of volunteers organized within the various national military establishments, trained and held in reserve for United Nations collective action.

[96] See Y.U.N., 1951, pp. 182-89.

In the general conclusion to its report, the Committee expressed the view that the work initiated to strengthen the United Nations in the collective security field should be continued either by the Collective Measures Committee or by another appropriate new United Nations body. The pertinent Committee should continue to study the information furnished by States on their progress in preparing for participation in United Nations collective action, and should also, for the purpose of reporting to the General Assembly and the Security Council, continue the studies on subjects related to those covered in the first and the second report, among others the Secretary-General's proposal for a Volunteer Reserve.

The Committee's report had not yet been discussed by the seventh session when the Assembly recessed in December 1952.

Q. ADMISSION OF NEW MEMBERS

1. New Applications for Admission

The following new applications for admission to Membership in the United Nations were submitted on the dates indicated:

(1) Vietnam—17 December 1951 (S/2446)
(2) Libya—24 December 1951 (S/2467)
(3) Democratic Republic of Vietnam—27 December 1951 (S/2466) also 22 November 1948 (S/2780)[97]
(4) Japan—16 June 1952 (S/2673)
(5) Cambodia—25 June 1952 (S/2672)
(6) Laos—30 June 1952 (S/2706)

2. Consideration by the Security Council

On 1 February 1952, the General Assembly adopted resolutions 506 A and B (VI) which recommended, inter alia, that the Security Council reconsider all pending applications for the admission of new Members, requested the permanent members of the Council to confer with one another soon with a view to assisting the Council to come to positive recommendations in regard to the pending applications and requested the Council to report to the Assembly at its seventh session on the status of applications still pending.[98]

At its 577th meeting on 18 June 1952, the Security Council had before it the following item, submitted by the President (the representative of the USSR) as item 3 of the provisional agenda: "Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission". The USSR proposed a draft resolution (S/2664) providing that the Council recommend to the General Assembly the simultaneous admission of the following States: Albania, Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya.

By 7 votes to 1 (USSR), with 3 abstentions (China, Pakistan, United Kingdom), the Council rejected the USSR proposal to include the matter as item 3 of the agenda. It then adopted unanimously a proposal submitted by Chile and the Netherlands which included the USSR proposed item as sub-paragraph (a) under the heading: "Admission of new Members", with the following added as sub-paragraph (b): "Consideration of General Assembly Resolution 506(VI)."

a. CONSIDERATION OF THE USSR DRAFT RESOLUTION

At the 590th meeting of the Council on 9 July, the representative of the USSR reiterated his delegation's view that the simultaneous admission of all fourteen States which had submitted applications would be a fair and objective decision on the question, wtihout discrimination against certain countries and favouritism towards others. That proposal, he said, had been approved by a majority of United Nations Members in the First Committee and in the plenary meetings during the sixth session of the Assembly and had only failed of adoption on account of procedural tricks and pressure exercised by the United States on countries depending upon it. The USSR proposal was also in line with General Assembly resolution 506(VI) which recommended that the Council should reconsider all pending applications for membership.

The representative of Greece opposed the USSR proposal on the ground that there were other applications besides those specified in it and because the Council was to report to the next session of the Assembly on the status of applications still pending. He proposed that the Council should postpone the consideration of the question until 2 September 1952 in order to permit close

[97] Issued as a document at the request of the USSR representative on 16 September 1952.
[98] See Y.U.N., 1951, pp. 201-202.

examination of all the applications before the Council.

The representative of the USSR observed that the remaining applications were hardly on the same level as the fourteen listed in the USSR draft resolution. Some had been received very recently, and it was unlikely that agreement would be reached on the others. The USSR draft resolution included all those applications on which a decision was possible. He considered the Greek proposal to be unjustified, because the Council might have new problems to attend to by September. It was also possible, he said, that a special session of the General Assembly might be called in the near future at which the Assembly would be able to consider the question should the Council decide to recommend the admission of fourteen new Members.

The majority of the members of the Council supported the Greek proposal, and it was adopted at the 591st meeting on 9 July by 8 votes to 1 (USSR), with 2 abstentions (Chile, Pakistan).

The provisional agenda of the 594th meeting of the Council on 2 September included as sub-paragraph (c) under the heading "Admission of new Members", the following: "New applications for membership (S/2446 (Vietnam), S/2466 (Democratic Republic of Vietnam), S/2467 (Libya), S/2672 (Cambodia), S/2673 (Japan) and S/2706 (Laos))". The President (the representative of Brazil) explained that he had felt it advisable to include the sub-item so as to enable the Council to consider the applications on which it had not yet reported to the General Assembly and which it had not considered on an individual basis.

The USSR representative thought that it was inopportune to consider these applications, in particular those of Japan, Laos, Cambodia and Vietnam, for the reasons which he had previously stated (see above). There was no need, he felt, to include Libya's application under the proposed sub-item since, in addition to being covered in the USSR draft resolution, it had already been considered by the Council and by the General Assembly and was, moreover, by implication included under sub-item 2(b), since it was dealt with in General Assembly resolution 506 (VI).

The Security Council included sub-item 2 (c) in the agenda by 10 votes, with 1 abstention (USSR).

b. CONSULTATION OF THE PERMANENT MEMBERS

Chile and Pakistan submitted a draft resolution (S/2694) urging the permanent members of the Council to give their earnest attention to the General Assembly's request in resolution 506 A (VI) that they confer on pending applications. The permanent members, however, regarded this draft resolution as unnecessary, and expressed their readiness to hold consultations, and the joint draft was not voted on.

At the Council's 594th meeting on 2 September, the President for August (the representative of the United States) reported that a meeting of the permanent members had been held on 21 August to give them an opportunity to confer on the pending applications for membership. An effort had been made to find a basis for agreement, but agreement had not been possible and the permanent members had not changed their positions.

c. DISCUSSION OF THE USSR DRAFT RESOLUTION

The USSR draft resolution was discussed from the 594th to 597th meetings of the Security Council from 2 to 8 September.

During the discussions, the USSR representative said that the United States, the United Kingdom and France had made it clear that there was no intention of reaching agreement on the admission of the fourteen States listed in the USSR proposal to membership in the United Nations. The opposition to the admission of the people's democracies was, he charged, due to the unwillingness of the United States to admit to membership those States whose internal structure it did not like; ruling circles in the United States wished to constrain those countries to change their internal system of government. That position was not only a gross violation of the obligations assumed at Teheran and Potsdam, and under the peace treaties, but was also directly contrary to the Charter. He cited facts and statistics which, he said, showed the pacific policies and genuine democratic development of the fourteen countries listed in the USSR draft and maintained that they met the requirements for membership.

It was not the position of the USSR, he said, but the attitude of the United States which was causing the deadlock on the admission of new Members. The question had reached such dimensions that it could only be solved by admitting simultaneously the fourteen States which had applied for Membership. There was nothing in the Charter, he said, to prevent the admission of several States by a single resolution. Moreover, the United States itself had created a precedent at the 54th meeting of the Council on 28 August

1946 by proposing that the eight States which had applied for membership should be admitted simultaneously. That proposal had been supported by the Secretary-General, and also by the representatives of Brazil, China, Mexico and Egypt. The method being advocated by the USSR was the same as had been advocated by the United States in 1946 and there was no threat to the Charter at present as there had been none in 1946.

The representatives of Brazil, China, France, Greece, the Netherlands, Turkey, the United Kingdom and the United States opposed the USSR proposal, maintaining that it was contrary to Article 4 of the Charter according to which the application of each candidate should be considered separately. They held, also, that according to the advisory opinion of the International Court of Justice of 28 May 1948,[99] it would be wrong to attach to the admission of one applicant a condition that another applicant must be admitted at the same time. Moreover, the representatives of China, Greece, Turkey, the United Kingdom and the United States maintained, certain countries listed in the USSR proposal were not qualified for membership. Among the views expressed by these representatives were the following:

The representative of Greece stated that the objection to the admission of Albania, Bulgaria, Hungary, Romania and the Mongolian People's Republic was not due solely to their internal structure. Yugoslavia was also a Communist State but that did not prevent his country and all other non-Communist nations from having peaceful and friendly relations with it.

The representative of China stated that the USSR proposal did not include the Republic of Korea whose exclusion his Government could not accept. He requested that under rule 32 of the rules of procedure the applications of each of the countries listed in the USSR draft resolution should be put to the vote separately. A similar view regarding the Republic of Korea was also expressed by the representative of the United States who said that Austria, Ceylon, Finland, Ireland, Italy, Jordan, Libya, Nepal and Portugal, of those listed in the USSR proposal, were fully qualified and should be admitted.

Referring to the "obligations" supposedly assumed by the United Kingdom and the United States under the Peace Treaties and the Potsdam Agreement, the representative of the United Kingdom said that the relevant clauses in the Peace Treaties were merely "enabling clauses" and not mandatory ones. He quoted the preamble to the Peace Treaties as saying ". . . thereby enabling the Allied and associated Powers to support an application to become a Member of the United Nations." This, he said, was merely the statement of the fact that the signatories would be enabled to support an application.

The representative of France stated that the USSR point of view was contradictory. While basing itself on Article 4 of the Charter, which formally stated that only peace-loving States could become Members, it was nevertheless willing to recommend the admission of States which it said could not be regarded as peace-loving on the condition that its own proteges were admitted. Moreover, it was not the simultaneous admission of the fourteen States that the USSR had really proposed but their collective admission, in a manner which made the admission of any one of them conditional upon the admission of the others. France had opposed a similar USSR proposal in February 1952[100] and saw no reason to change its attitude.

The representative of the Netherlands stated that, since the sixth session of the General Assembly had felt that the whole problem of the admission of new Members should once again be thoroughly examined at the seventh session and since the gap between the opposing points of view in the Security Council continued to exist, little progress could be expected from further discussions in the Council. His Government therefore favoured a postponement of those discussions until the next session of the Assembly when the views of all Members could be ascertained. However, he concluded, should the Council decide to pronounce itself on the various proposals before it, his delegation would reaffirm its previous position based on Article 4, paragraph 1, of the Charter and the advisory opinion of the International Court of Justice of 28 May 1948.

In reply, the representative of the USSR said that he was not haggling, but was making a broad political approach to the solution of the question. The USSR was prepared to withdraw its objection to the favourites of the "American-British bloc" despite the fact that it was legally entitled under the Charter to oppose the admission of some of those States. The USSR proposal, he said, provided a basis for agreement.

In reply to the President, he stated that his delegation did not accept the Chinese proposal, under rule 32 of the rules of procedure, for a separate vote on each of the applications noted in the USSR draft resolution. He pointed out

[99] See Y.U.N., 1947-48, pp. 797-801.
[100] See Y.U.N., 1951, p. 205.

that under that rule the request could not be maintained if the representative who had submitted the draft resolution did not agree with the proposed change.

The USSR draft resolution (S/2664) was rejected at the 597th meeting of the Council on 8 September 1952 by 5 votes to 2, (Pakistan, USSR), with 4 abstentions (Chile, France, Turkey and the United Kingdom).

d. CONSIDERATION OF GENERAL ASSEMBLY RESOLUTION 506 (VI)

The Council then discussed the General Assembly's recommendation that it reconsider all pending applications for admission. Several representatives contended that the discussion in the Council had already in effect fulfilled that recommendation. The representative of Chile, while agreeing that the situation was unfavourable for such reconsideration, stressed a number of considerations with a view to creating favourable conditions for a future change in the situation. While the application of the rule of unanimity in matters of security could have political justification, he said, it had no such justification with regard to the admission of new Members. He also believed that the requirements of Article 4 of the Charter should be interpreted in a realistic manner. It was obviously impossible to admit a State which openly and flagrantly violated the most essential principles of the Charter, as in the case of a country committing acts of aggression, but the standard generally applied must not be more rigorous than that applied to States which were already Members. Unfortunately, there were many Member States in which fundamental human rights were not observed to the extent laid down in the Universal Declaration. Further, the presence in the United Nations of applicants which were considered to be dominated by other States could only serve to hasten their progress toward independence.

After a procedural discussion, the Council decided to proceed to the examination of new applications for membership, leaving open for the time being the question of the consideration of the General Assembly's resolution.

e. CONSIDERATION OF NEW APPLICATIONS

On this question, the Council had before it the following draft resolutions: (1) a draft resolution by Pakistan (S/2483) recommending the admission of Libya; (2) a draft resolution by the United States (S/2754) recommending the admission of Japan; (3) draft resolutions by France (S/2758, S/2759 and S/2760) recommending the admission, respectively, of Vietnam, Laos and Cambodia; and (4) a draft resolution by the USSR (S/2773) recommending the admission of the Democratic Republic of Vietnam.

The President, noting that none of the applications listed on the sub-item had been referred to the Committee on the Admission of New Members, raised the question of what procedure the Council wished to follow. Several representatives, including those of Chile, France, Pakistan and the USSR, considered that the normal course would be to refer the applications to the Committee. Other representatives disagreed, holding that the council should examine the applications directly. After considerable discussion at the 598th and 599th meetings on 10 and 12 September, the Council adopted the proposals for the direct consideration of the applications of Libya, Japan and Vietnam, Cambodia and Laos.

(1) Application of Libya

The representative of Pakistan, supported by the representatives of Brazil, Chile, China, France, Greece, the Netherlands, Turkey, the United Kingdom and the United States, spoke in favour of the Pakistan draft resolution recommending the admission of Libya. They pointed out that the General Assembly had adopted a favourable decision on Libya's application without a single opposing vote. Libya was fully qualified for membership, and the United Nations had a heavy responsibility toward that country since it was responsible for Libya's independence.

The representative of the USSR reiterated his delegation's view that Libya's application could not be regarded as a new one and declared that the USSR had never opposed in the past and did not then oppose the admission of Libya to membership in the United Nations on the same basis as other, equally eligible, States.

The Pakistan draft resolution recommending the admission of Libya (S/2483) was voted upon at the 600th meeting of the Security Council on 16 September. There were 10 votes in favour and 1 against (USSR). The draft resolution was not adopted since the negative vote was that of a permanent member of the Council.

(2) Application of Japan

The representative of the United States, supported by the representatives of Brazil, Chile, France, Greece, the Netherlands, Pakistan, Turkey, and the United Kingdom, spoke in favour of the United States draft resolution recommending the admission of Japan. They cited Japan's

record of co-operation since the war and its re-establishment as a sovereign and independent State following the Treaty of Peace which had entered into effect on 18 April 1952 as arguments in favour of Japan's admission.

The representative of the USSR reiterated his view that the time had not come to consider the application of Japan, which, he said, had been made an instrument of United States policy in the Far East, could not be regarded as an independent and self-sufficient sovereign State and was not in a position independently to fulfil the obligations incumbent on Members under the United Nations Charter.

The United States draft resolution was voted upon at the 602nd meeting of the Council on 18 September 1952. There were 10 votes in favour and 1 against (USSR). The draft resolution was not adopted since the negative vote was that of a permanent member.

(3) Applications of Vietnam, Cambodia and Laos, and of the Democratic Republic of Vietnam

The representative of France, supported by the representatives of Greece, the Netherlands, the United Kingdom and the United States, spoke in favour of the French draft resolutions recommending the admission of Vietnam, Laos and Cambodia. The representative of France stressed that these States were free, sovereign and independent States associated with the French Union. Members supporting the draft resolution considered them fully qualified for membership.

The representative of the USSR contended that the applications were those of puppet regimes set up by France with United States support and that the only State which could conceivably be considered for admission was the free and independent Democratic Republic of Vietnam, which, as it had stated, was the only legitimate Government of Vietnam.

The French draft resolutions (S/2758, S/2759 and S/2760) recommending respectively the admission of Vietnam, Laos and Cambodia were voted upon at the 603rd meeting on 19 September. They received 10 votes in favour and 1 against (USSR). The draft resolutions were not adopted because in each case the negative vote was that of a permanent member of the Council.

The representative of France held that there was no need for the Council to consider the USSR draft resolution recommending the admission of the "Democratic Republic of Vietnam" which, he said, was a political faction completely lacking all the qualifications and characteristics which made the difference between a government and a mere de facto Power. This position was supported by other members of the Council, including the representatives of China, the United Kingdom and the United States.

The representative of the USSR said that the struggle that France had been forced to wage in Indo-China was the most convincing argument in support of the application of the Democratic Republic of Vietnam whose existence it clearly proved.

The USSR draft resolution (S/2773) recommending the admission of the Democratic Republic of Vietnam was rejected by 10 votes to 1 (USSR). The Security Council did not consider the pending applications of the Republic of Korea and of the Democratic People's Republic of Korea.

3. Consideration by the General Assembly at its Seventh Session

The question of the admission of new Members was included in the provisional agenda of the seventh session of the General Assembly under resolution 506 B (VI). The General Assembly also had before it at that session the special report of the Security Council (A/2208) outlining its consideration of the question of the admission of new Members.

At its 380th plenary meeting on 16 October 1952, the General Assembly decided to include the item in the agenda of the seventh session under the title "Admission of New Members: (a) Status of applications still pending: Report of the Security Council; (b) Request for an advisory opinion from the International Court of Justice: Draft resolution proposed by Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua at the sixth session (A/C.1/708)." The item was referred to the Ad Hoc Political Committee for consideration and report.

a. DISCUSSION IN THE Ad Hoc POLITICAL COMMITTEE

The Ad Hoc Political Committee considered the question of the admission of new Members at its 42nd to 50th meetings from 12 to 19 December 1952. The debate in the Committee centred mainly on the relative powers and functions of the Security Council and the General Assembly in the admission of new Members, and on the various proposals for ending the existing deadlock.

(1) Draft Resolutions before the Committee

The following draft resolutions were submitted:

(a) PERUVIAN DRAFT RESOLUTION

Peru submitted a draft resolution (A/AC.61/-L.30) under which the General Assembly would state, inter alia:

(i) that it appeared from the proceedings in the Security Council that vetoes had been pronounced on applicant States which had been recognized as fulfilling the conditions governing admission and that these vetoes seemed to have been influenced by motives outside the scope of Article 4 of the Charter and hence to be in conflict with the Court's advisory opinion of 28 May 1948;

(ii) that the unanimity rule had not been conceived or accepted as a means of authorizing any Power to deny the proved and recognized qualifications of the States applying for membership and so to exclude them indefinitely from the legal community to which they were entitled to belong;

(iii) that there were sound reasons for claiming that that rule, being an exception, should only be applied restrictively and hence only in the cases which involved the functions exclusively vested in the Security Council;

(iv) that in the matter of the admission of new Members, as shown by the records of the San Francisco Conference, the final decision lay with the Assembly, and that, accordingly, the Council's recommendation, though necessary, was a previous step or a procedural stage which did not require the application of the unanimity rule;

(v) that even if the rule were applicable to the Council's recommendation it would be inadmissible in cases in which it involved a violation of the Charter, such as would be constituted by accepting a veto to the admission of new Members which had been acknowledged by the Power exercising the veto as eligible within the meaning of Article 4; and

(vi) that the resolution entitled "Uniting for Peace", approved almost unanimously by the Assembly, had laid down the doctrine that the exercise of the veto by a Power could not paralyze the Organization or relieve the General Assembly of its responsibilities under the Charter. Accordingly, the Assembly would resolve to note: (1) that the opinions, votes and proposals laid before the Council concerning the admission of new Members signified that the States concerned were unanimously recognized as fulfilling the conditions required for membership under Article 4; and (2) to consider each of the applications of those States in the light of the purposes and principles of the Charter and of the above circumstances.

Among the views stated by the representative of Peru in support of his delegation's proposal, was the contention that the Security Council had interpreted the voting procedure adopted at San Francisco in a manner extending beyond its own jurisdiction and affecting indirectly other principal organs of the United Nations. The interpretation of the Charter, he said, was a matter primarily for the General Assembly, which had received its mandate directly from the peoples whose representatives had drafted the Charter at San Francisco and which exercised a right of supervision over the Council, under Article 10, since it could make recommendations to the Council on any matters within the scope of the Charter except as provided in Article 12. The judgment which the Organization was called upon to take under Article 4 of the Charter involved not only the applicant's current attitude but also its future international conduct. Such a judgment could not be discretionary, still less arbitrary. A vote determined by conditions not provided for in the Charter or which were at odds with evidence that had not been disproved was an arbitrary act. In such a vote, the unanimity rule could not apply, since it had been designed solely for legitimate purposes. Once the conditions for membership were fulfilled, it was intolerable that one single State should, by abusing its privileges, refuse admission to peace-loving States and so deprive the Organization of the universality which would alone enable it to ensure the maintenance of an equally universal peace.

The representative of Peru subsequently requested that his draft resolution be considered part of the terms of reference of the special committee whose establishment was proposed under the five-Power joint draft resolution (see below).

(b) JOINT DRAFT RESOLUTION OF COSTA RICA, EL SALVADOR, HONDURAS AND NICARAGUA

On 12 December, the representative of El Salvador withdrew, on behalf of the sponsors, the draft resolution originally submitted during the sixth session by Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua (A/AC.61/-L.29).[101] A new joint draft resolution (A/-AC.61/L.31) was submitted by Costa Rica, El Salvador, Honduras and Nicaragua. Under this proposal, the General Assembly, inter alia, would:

(i) state that it was essential for the purposes of the United Nations to facilitate the admission of new Members which fulfilled the conditions laid down by the Charter;

(ii) deduce from the declaration of 7 June 1945 on voting procedure in the Security Council, which had been subscribed to by the five permanent members of the Council, that the admission of new Members was not subject to veto but was to be dealt with by a "procedural vote", in other words by the vote of any seven members of the Council; and

(iii) state that the General Assembly, as the organ chiefly responsible for deciding on applications for membership, had the right and also the duty to decide on the pending applications in accordance with that criterion.

Accordingly, it would decide to consider separately each pending application and decide in

[101] Circulated to the First Committee as document A/C.1/708. See Y.U.N., 1951, p. 200.

favour of or against admission in accordance with the merits of each case and the results of a vote taken in the Security Council in conformity with Article 27, paragraph 2, of the Charter.

The representative of El Salvador, introducing the draft resolution on behalf of the sponsors, advanced, among others, the following arguments.

The statement of 7 June 1945 by the four sponsoring Powers, on the basis of which the unanimity rule had been adopted, showed that any decisions by the Security Council which did not involve the taking of direct measures for the maintenance of international peace and security were, for voting purposes, held to be procedural. It was in that spirit that Article 27, paragraph 2, of the Charter had been drafted. In that connexion he recalled that the proposal of the United States in the Interim Committee (A/AC.18/41) in March 1945 for the adoption of a list of decisions which the Security Council could take by an affirmative vote of any seven of its members included decisions on the question of the admission of new Members. The fact that the abstention of a permanent member of the Council could not by itself prevent a decision under Article 27, paragraph 3, despite the literal terms of that paragraph, argued in favour of a liberal interpretation of Article 27, paragraph 2. He pointed out that it had been decided at San Francisco that each United Nations body should have the right to interpret those provisions of the Charter for the application of which it had the responsibility. If the Council informed the Assembly that seven of its members had voted in favour of the admission of a State, but that that State had not been recommended because of the negative vote of a permanent member, it would be for the General Assembly to interpret and apply the provisions of Article 27 and to decide whether or not there was a favourable recommendation by the Council. Should the Assembly consider the question to be one to which the veto could apply, it would decide that there was no reommendation; if, on the other hand, it regarded the question as procedural, it would decide that the affirmative vote of seven members of the Council authorized it to examine the application and take its own decision on the case.

An Argentine amendment (A/AC.61/L.36) to the joint draft resolution provided, among other things:

(1) for a reference to the interpretation by the Advisory Committee of Jurists at the San Francisco Conference, an interpretation subsequently approved by Committee II and the Conference itself, to the effect that the powers of the Assembly to "reject a recommendation to the effect that a given State should not be admitted to the United Nations", and accordingly to decide favourably on its admission to membership, were expressly recognized; and (2) that the General Assembly resolve to consider each application on its merits and decide on it accordingly.

The representative of Argentina said that his country's position regarding admission had been to champion the sovereign powers of the General Assembly, the universality of the Organization and the legal equality of States. He held that there was no basis in the Charter for the theory that a favourable recommendation was an absolute prerequisite for admission or for the theory that the Security Council must take the initiative in the matter.

Once the Council had considered an application, it might be held to have participated to the extent required by the Charter in formulating the judgment of the Organization. Its opinion, favourable or unfavourable, had to be transmitted to the Assembly, which was responsible for making a decision. He also supported the view that the veto could not be used to violate the Charter itself. It was not applicable in the case of decisions relating to the admission of new Members, where the General Assembly and the Security Council had concurrent powers, but where the General Assembly was responsible for making a final decision while the Council's sole duty was to make recommendations.

The representative of El Salvador, on behalf of the sponsors of the joint proposal, later stated that the sponsors did not insist upon a vote on the joint draft resolution and requested that it be referred to the Special Committee proposed under the five-Power joint draft resolution (A/AC.61/L.32) (see below).

The representative of Argentina said that he would not insist upon his amendment in view of the statement of the representative of El Salvador.

(c) JOINT DRAFT RESOLUTION OF COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS AND NICARAGUA

A joint draft resolution by Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua (A/AC.61/L.32) was submitted at the same time as the four-Power joint draft resolution referred to above. The representative of El Salvador explained that this draft resolution should be taken up only if the Committee found itself unable to reach a decision of substance on the question.

Under this proposal, the General Assembly, bearing in mind that the applications for admis-

sion of a large number of States were still pending, despite the fact that seven or more votes had been cast in favour of the admission of many of them in the Security Council, would resolve:

(i) to establish a special committee composed of the representatives of sixteen Member States;

(ii) to instruct that Committee to make a detailed study of the question of the admission of States to membership in the United Nations, in the light of the discussions in the Assembly and its Committees, of any suggestions which might be submitted to the special committee, and of the advisory opinions of the International Court of Justice and the principles of international law;

(iii) to request the committee to submit a report on its work and its conclusions to the General Assembly at its eighth session; and

(iv) to arrange for the item "Admission of New Members" to be included in the provisional agenda of the eighth session.

Two amendments to this joint draft resolution were submitted. One by Denmark, Norway and Sweden (A/AC.61/L.41) would insert in the preamble a reference to previous Assembly resolutions on the subject and would delete from the preamble mention of votes in the Security Council. This amendment was included in a revision of the joint draft resolution (A/AC.61/-L32/Rev.l/Corr.l) along with other changes made in the light of the discussion.

An amendment to this revised text was submitted by Uruguay (A/AC.61/L.44) to provide:

(1) that the special committee be composed of representatives of 25 Member States to be designated by the President of the General Assembly; and (2) that the special committee conduct its study of the question in the light of all the antecedents of the question.

The sponsors of the joint proposal submitted a second revision (A/AC.6l/L.32/Rev.2) which covered the substance of the second part of the Uruguayan amendment, and the first part of the amendment was later withdrawn.

Under the second revision of the five-Power joint draft resolution (A/AC.6l/L32/Rev.2), the General Assembly would resolve:

(1) to establish a special committee composed of the representatives of Argentina, Belgium, Canada, China, Colombia, Cuba, Czechoslovakia, Egypt, El Salvador, France, Greece, India, Lebanon, the Netherlands, New Zealand, Norway, Peru, the Philippines, the USSR, the Union of South Africa, the United Kingdom and the United States; (2) to instruct this committee to make a detailed study of the question of the admission of new Members, examining the proposals and suggestions which had been made in the General Assembly and its Committees or which might be submitted to the special committee by any Members of the United Nations in the light of the relevant provisions of the Charter, and the discussions in the General Assembly and its Committees, of the debates in the Security Council, and the advisory opinions of the International Court of Justice and of the principles of international law. The Special Committee was also to report on its work and its conclusions to the eighth session of the General Assembly.

(d) POLISH DRAFT RESOLUTION

Poland submitted a draft resolution (A/-AC.6l/L.35/Rev.l) providing that the Assembly request the Security Council to reconsider the applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya, in order to submit a recommendation on the simultaneous admission of all these States as Members of the United Nations.

Introducing the draft resolution, the representative of Poland said that the signatories of the Charter appeared to have resolved the question of the admission of new Members in a simple, unequivocal manner under the terms of Articles 4, 18, paragraph 2, and 27, paragraph 3. Article 27 required the concurring votes of the five permanent members of the Council on all except procedural matters. It embodied the fundamental political idea of the unanimity of the Great Powers in deciding on a matter so essential as membership of the United Nations, its universality and its role in international relations. The United States and certain other States, the representative of Poland said, had been attempting ever since the inception of the Organization to distort and ultimately to destroy that key concept, with the result that a large number of States remained outside the Organization, a situation which could only have an adverse effect on the system of international relations. The United States and the United Kingdom, he said, had adopted a discriminatory attitude toward States with political systems not to their liking, with no legal or factual basis for that position. They had violated the unequivocal obligation which they had undertaken in the peace treaties to support the applications for membership of Romania, Hungary and Bulgaria. He considered that the USSR position favouring simultaneous admission of all applicant States was the only just course toward a proper solution of the problem.

Six draft resolutions were submitted on individual applications.

One by the United States (A/AC.61/L.37) would have the General Assembly determine that Japan was qualified under the Charter and should therefore be admitted to membership and would request the Council to take note of that determination.

Three draft resolutions submitted by France (A/AC.61/L.38, A/AC.61/L.39 and A/AC.61/L.40) provided for similar decisions by the General Assembly concerning the applications of Vietnam, Cambodia and Laos.

Two draft resolutions submitted jointly by Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen (A/AC.6l/L.42/Rev.l and A/AC.61/L.43) provided for similar decisions with regard to Libya and Jordan.

(2) **Consideration and Decisions Taken by the Ad Hoc Political Committee**

The majority of the representatives who spoke, including, among others, the representatives of Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, the Dominican Republic, Egypt, El Salvador, France, Greece, Guatemala, Haiti, Iran, Iraq, Mexico, the Netherlands, New Zealand, Peru, the Philippines, Sweden, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay and Yugoslavia, supported the second revision of the five-Power joint draft resolution (A/AC.61/L.32/Rev.2) for the establishment of a special committee to consider the question of the admission of new Members. They considered that that committee would be able to consider all the elements of the problem, undisturbed by the pressure of time. Many of these representatives, however, expressed differing views on the proposals bearing on the substance of the question of the admission of new Members. In addition to the views of the sponsors of the various draft resolutions and amendments (see above), the following were among the principal views expressed.

The representatives of Sweden and Yugoslavia, among others, considered that the solution of the problem should be based on the principle of universality of the United Nations, since only thus would it be possible to overcome the obstacles which had thus far prevented the admission to membership of the long list of applicant States. There was nothing, they considered, to preclude a more liberal interpretation of Article 4. In this connexion, the representative of Yugoslavia said that certain Member States, although in the opinion of the majority they did not always live up to the spirit of that Article, nevertheless remained Members.

The representatives of India and the United Kingdom considered that the argument that the Declaration of 7 June 1945 justified the view that the veto did not apply to the admission of new Members could not possibly be sustained. The admission of new Members obviously came within the category of decisions requiring the unanimity of the permanent members of the Council. It was impossible to claim that the question of the admission of new Members, which was expressly included among the major decisions to be settled by a two-thirds majority of the Assembly, was procedural for the Security Council, while it was one of substance for the General Assembly.

The representatives of Chile, Haiti, Indonesia, the Philippines and Yugoslavia emphasized that the problem was primarily a political one arising from the tension which characterized the relations between the Great Powers and could not be solved on a legal or juridical basis. Attention should be concentrated, these representatives held, on methods to admit as many qualified States as possible within the procedure laid down by the Charter.

The representatives of Ecuador and New Zealand emphasized that any solution would be in vain if it disregarded the terms of the Charter.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR held that the four-Power Central American draft resolution (A/AC/61/L31) and the Peruvian draft resolution (A/AC.61/L.30) contained ridiculous assertions, contrary to the Charter, concerning the manner in which new Members were admitted. With respect to the interpretation of the Charter, it had been made clear at the San Francisco Conference that each organ would interpret the sections of the Charter which applied to its powers. The sponsors of the draft resolutions had attempted to maintain that the USSR had applied the unanimity rule with regard to the admission of new Members in a manner not only illegal but contrary to the Declaration of 7 June 1945 which in their view meant that admission could be classed as a procedural matter. The Declaration made by the sponsoring Powers at San Francisco specified, however, that the questions on which the Council's decision required the concurring votes of the permanent members included not only the fundamental questions enumerated in the Charter, but also the preliminary question of whether a given matter was to be considered substantive or procedural. These representatives also contended that the wording of Article 4, paragraph 2, was similar to that used in Article 5 on the suspension of a Member and in Article 6 on the expulsion of a Member. Questions as important as those could hardly be regarded as questions of procedure. It had been clearly established, they said, that the affirmative vote of all the permanent members of the Council was a condition precedent to a favourable recommendation from the Council. If that condition had not been

met, there was no recommendation. Accordingly, rules 135 and 136 of the General Assembly's rules of procedure provided that the Assembly could take no decision on the admission of a new Member in the absence of a recommendation from the Council.

In reply, the representative of El Salvador emphasized that there had been no intention in the joint draft resolution submitted by the four Central American States to allow the General Assembly to make its interpretation of Articles 4 and 27 of the Charter binding on any other organ. It could not be denied, however, that the General Assembly, acting within its competence in regard to the admission of new Members, was empowered to apply and interpret the Charter under its own responsibility. Dealing with the contention that the statement of 7 June 1945 afforded no basis for the belief that the veto was not applicable to the admission of new Members, he pointed out that that question could certainly not be characterized as a matter belonging in the first category, which included questions requiring adoption of measures for the settlement of disputes or situations likely to give rise to disputes and measures regarding threats to the peace or breaches of the peace. The first paragraph of the statement said clearly that in all questions other than those included in that first category, a "procedural vote" was applicable.

The representative of Peru declared that the voting procedure in the Security Council affected the structure of the entire Organization and must be seen in the light of the responsibilities of the General Assembly and the purposes and principles of the Charter. Every abuse of the right of veto compromised the rights and the responsibilities of the General Assembly, and it was that moral problem which created the legal problem. The overriding responsibilities of the General Assembly in the matter were also emphasized by the representatives of Colombia and Iran.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed the five-Power joint draft resolution, stating that once more the method proposed was contrary to the provisions of the Charter, under which the Assembly could act only on a recommendation of the Security Council. Proposals of that kind, with minor variations, they said, were brought forward at each session of the Assembly, although their sponsors knew that they could not provide a basis for a solution of the problem, because the United States and the countries in its orbit wished to drag on the question of the admission of new Members as another way of preventing the admission of countries whose political structure was not approved by the ruling circles of the United States.

The representative of India considered that it was difficult to see how a special committee such as was proposed by the five-Power joint draft resolution would yield better results than the Security Council. If agreement was possible, there was no reason why it could not be achieved in the Council rather than in such a committee. If agreement was not likely, there was no reason to establish a special committee to ascertain the fact. The representatives of Chile and Haiti also considered that the agreement of the Security Council was a prerequisite of any solution.

The revised five-Power draft resolution (A/AC.6l/L.32/Rev.2) was voted upon at the 50th meeting of the Ad Hoc Political Committee on 19 December 1952, when it was approved by a roll-call vote of 45 to 5, with 8 abstentions. The Peruvian draft resolution (A/AC.61/L.30) and the joint four-Power draft resolution (A/AC.61/L.31) were not voted on, their sponsors having declared that they should be considered part of the terms of reference of the special committee provided for in the joint five-Power draft (see above).

In the course of the debate, a number of speakers referred to the use of the veto in the Security Council in connexion with the admission of new Members. The representative of the United States said that the existing situation was due to the fact that the USSR had been systematically abusing its right of veto in the Security Council. Otherwise, the fourteen nations which had all secured seven or more affirmative votes in the Council would have been admitted to membership in the United Nations long since. Pointing out that the five Great Powers had pledged themselves at San Francisco to refrain from using the veto wilfully to obstruct the Council's work, he declared that the Soviet Union had made the exception the rule. The other permanent members of the Council, however, had supported the proposal of General Assembly resolution 267(III) that the permanent members should try to agree among themselves on what issues they would refrain from using the veto. The resolution had suggested that the admission of new Members was such an issue. The United States had declared as early as 1947 that it would not use the veto to exclude from the United Nations any of the current applicants which the General Assembly deemed qualified and that it would be willing to accept complete elimination of the veto in

the Security Council in regard to the admission of future Members.

Other speakers, including, among others, the representatives of Brazil, Canada, China, Cuba, El Salvador, France, Greece, New Zealand, Peru, the Philippines, the Union of South Africa and the United Kingdom, expressed similar views and also condemned what they regarded as abuse of the veto. Several contrasted the attitudes adopted in that respect by the USSR and by other permanent members of the Council who had undertaken not to use the veto in the admission of new Members.

The representative of the USSR, supported by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, considered the view that the USSR was responsible for the deadlock in connexion with the admission of new Members to be absolutely unfounded. On the contrary, these representatives said, it was the United States Government which was responsible for the situation by having vetoed the simultaneous admission of the fourteen countries whose requests were still pending. Though the United States claimed to respect the views of the majority and contended that it had relinquished the right of veto in regard to the admission of new Members, it was making use of a concealed veto by joining its partners of the "Anglo-American bloc" in abstaining from voting on USSR proposals. They maintained that the United States and the Governments of many other States under its influence supported only the requests for admission of States which were either members of the Atlantic bloc or which the United States Government hoped would one day join it in an aggressive coalition. The only reason for the United States' objections to States like Albania, the Mongolian People's Republic, Bulgaria, Hungary and Romania was that those States did not comply with the imperialist policy of American ruling circles.

The Polish draft resolution was opposed by a number of representatives, including those of Australia, Belgium, Brazil, Canada, China, Colombia, Cuba, El Salvador, France, Greece, Guatemala, Haiti, the Netherlands, New Zealand, Peru, Turkey, the Union of South Africa, the United Kingdom and the United States. They considered that it violated the Charter and would involve disregard of the advisory opinion of the International Court of Justice of May 1948 in that the admission of certain States was made conditional upon the admission of certain others rather than upon an objective and individual study of the merits of the applicants. They also said that it had been made clear that the USSR would oppose the admission of Japan, the Republic of Korea, Cambodia, Laos and Vietnam, all of which were entitled to membership, and would undoubtedly oppose the admission of Germany and Spain, should those countries apply. The Polish proposal thus could not even be regarded as an application of the principle of universality.

The representative of the United Kingdom stated that the provision in the peace treaties with Bulgaria, Hungary and Romania, to which the representative of Poland had referred, was only an "enabling" clause, and involved no commitment to support the applications of those countries.

Among those supporting the Polish draft resolution (A/AC.6l/L.35/Rev.l) were the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR, who regarded that proposal as a just and objective solution which would break the deadlock. It was based, they said, on the principle that the United Nations must be an international organization of free and sovereign States, regardless of their constitution or ideology, united by the common desire to live together in peace and to maintain international security on the basis of equality and mutual respect.

The representative of Pakistan considered that the States listed in the Polish proposal fulfilled the conditions laid down by the Charter and deserved to be admitted. He therefore supported that proposal, along with the other draft resolutions calling for the admission of Japan and of Vietnam, Cambodia and Laos.

The representative of India supported the Polish draft resolution (A/AC.61/L.35/Rev.l), making it clear that he interpreted "simultaneous admission" to mean a series of admissions that took place at the same time, none of which was dependent upon the admission of one or several of the others. Although it provided neither an absolute nor a complete remedy, that proposal had the advantage of increasing the membership of the Organization, thereby enabling it to be more representative of the world as it was.

Similar views were expressed by the representatives of Argentina, Burma, Egypt, Indonesia, Iraq, the Philippines and Syria. At the 49th meeting of the Committee, on 19 December, the representative of Egypt requested that a separate vote be taken on the word "simultaneous". At the 50th meeting on the same day, the Committee decided, by 12 votes to 8, with 37 abstentions, to delete the word "simultaneous" from the Polish draft resolution.

As amended, the draft resolution was then rejected by 28 votes to 20, with 11 abstentions.

Most of the representatives who spoke supported the United States draft resolution concerning the admission of Japan (A/AC.61/L.37), the French draft resolution concerning Vietnam, Cambodia and Laos (A/AC.61/L.38-40) and the draft resolutions submitted by the six Arab States concerning the admission of Libya and Jordan (A/AC.6l/L.42/Rev.l and L.43).

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed these draft resolutions. They held that the time was not appropriate for considering the application of Japan, which they regarded as under United States occupation, and that the applications listed in the French draft resolutions were those of puppet regimes. There was no need for separate proposals on Libya and Jordan, in their view, because those States were covered by the Polish draft resolution.

The representatives of Guatemala, Israel and Sweden indicated that they would abstain from voting on the draft resolutions dealing with specific applicants because in their view the question should be left to the special committee that was to be established. The representatives of Burma, India and Indonesia supported the draft resolutions concerning the admission of Japan, of Jordan and of Libya. They declared their intention of abstaining with regard to the draft resolutions concerning Vietnam, Cambodia and Laos, however, because of their doubts as to the status of those countries.

The representative of the Philippines said that he would abstain from voting on the draft resolution concerning the admission of Japan, because of the outstanding differences which still existed between the Philippines and that country, and on the draft resolutions concerning Vietnam, Cambodia and Laos, pending clarification of his Government's policy in regard to the political status of those countries.

At the 50th meeting, on 19 December, the United States draft resolution concerning the admission of Japan (A/AC.61/L.37) was approved by a roll-call vote of 48 to 5, with 6 abstentions.

The French draft resolution concerning the admission of Vietnam (A/AC.61/L.38) was approved by a roll-call vote of 38 to 5, with 16 abstentions. The French draft resolutions concerning the admission of Cambodia and Laos (A/AC.61/L.39 and 40) were also approved by 38 votes to 5, with 16 abstentions.

The six-Power draft resolution concerning the admission of Libya was approved by a roll-call vote of 49 to 5, with 5 abstentions. The six-Power draft resolution concerning Jordan was then also approved by 49 votes to 5, with 5 abstentions.

b. RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

The General Assembly discussed the report of the Ad Hoc Political Committee (A/2341) at its 410th plenary meeting on 21 December 1952. The representative of Poland re-introduced the draft resolution (A/L.142) which his delegation had submitted earlier in the Ad Hoc Political Committe and which called for the simultaneous admission of fourteen countries.

The representatives of Argentina, Colombia, El Salvador, Israel, the Philippines, Poland, Sweden, the USSR and the United States reiterated the position which they had taken in the course of the debate in the Ad Hoc Political Committee. The representative of the Philippines requested that a separate vote be taken on the word "simultaneous" in the Polish draft resolution, stating that this word was used in a sense unacceptable to his delegation.

The representatives of Poland and the USSR stated that they would vote against the Polish draft resolution if it were decided to omit the word "simultaneous".

The President stated that, in view of the fact that the represenatives of Czechoslovakia, India and the USSR had requested that their countries be not included in the membership of the special committee contemplated in draft resolution A proposed by the Ad Hoc Political Committee (originally the five-Power Central American draft resolution), the special committee would have 19 members instead of the 22 originally provided for.

Draft resolution A, as amended, was adopted by a roll-call vote of 48 to 5, with 6 abstentions. Voting was as follows:

In favour: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Burma, India, Indonesia, Liberia, Pakistan.

The draft concerning the admission of Japan was adopted by a roll-call vote of 50 to 5, with 4 abstentions. Voting was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Saudi Arabia, Syria, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR.

Abstaining: Guatemala, Israel, Philippines, Sweden.

The other five draft resolutions referring to individual countries were adopted as follows:

Vietnam, by 40 votes to 5, with 12 abstentions: Cambodia, by 38 votes to 5, with 14 abstentions; Laos, by 36 votes to 5, with 14 abstentions; Libya, by 51 votes to 5, with 2 abstentions; and Jordan, by 49 votes to 5, with 3 abstentions.

The proposal to retain the word "simultaneous" in the text of the Polish draft resolution (A/-L.142) was rejected by 10 votes to 9, with 25 abstentions; and the Polish draft resolution, as amended, was rejected by 30 votes to 9, with 10 abstentions.

The resolutions adopted by the General Assembly (620 A-G (VII)) read:

"The General Assembly.

"Considering that, notwithstanding the efforts that have been made for some years, it has not as yet been possible to solve the important problem of the admission of new Members to the United Nations,

"Recalling that various States Members of the United Nations have made specific proposals or put forward suggestions with a view to reaching a satisfactory solution of the problem of admission,

"Recalling that on two occasions the International Court of Justice, at the request of the General Assembly, has given advisory opinions on the above-mentioned problem,

"Recalling its resolutions 113 A (II) of 17 November 1947, 197 B (III) of 8 December 1948, 296 K (IV) of 22 November 1949, 495 (V) of 4 December 1950 and 506 A (VI) of 1 February 1952,

"Bearing in mind that the applications for admission of a large number of States are still pending,

"Resolves:

"1. To establish a Special Committee composed of a representative of each of the following Member States: Argentina, Belgium, Canada, China, Colombia, Cuba, Egypt, El Salvador, France, Greece, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America;

"2. To instruct the Special Committee to make a detailed study of the question of the admission of States to membership in the United Nations, examining the proposals and suggestions which have been made in the General Assembly and its Committees or which may be submitted to the Special Committee by any Members of the United Nations, such study to be conducted in the light of the relevant provisions of the Charter of the United Nations, the discussions in the General Assembly and its Committees, the debates in the Security Council, the advisory opinions of the International Court of Justice, the other antecedents of the question and the principles of international law;

"3. To request the Special Committee to submit a report on its work and its conclusions to the General Assembly at its eighth session and to transmit that report to the Secretary-General in time for distribution to Member States at least two months before the opening of the eighth session;

"4. To request the Secretary-General to place at the disposal of the Special Committee the staff and the facilities it requires for its work;

"5. To include the item "Admission of new Members" in the provisional agenda of the eighth session of the General Assembly."

B

"The General Assembly,

"Noting that, on 18 September 1952, ten members of the Security Council supported a draft resolution recommending the admission of Japan to the United Nations, but that no recommendation was made to the General Assembly because of the opposition of one permanent member,

"Deeming it important to the development of the United Nations that all applicant States which possess the qualifications for membership set forth in Article 4 of the Charter should be admitted,

"1. Determines that Japan is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations;

"2. Requests the Security Council to take note of this determination by the General Assembly with respect to the application of Japan."

"The General Assembly,

"Noting that, on 19 September 1952, ten members of of the Security Council supported a draft resolution recommending the admission of Vietnam to the United Nations, but that no recommendation was made to the General Assembly because of the opposition of one permanent member,

"Deeming it important to the development of the United Nations that all applicant States which possess the qualifications for membership set forth in Article 4 of the Charter should be admitted,

"1. Determines that Vietnam is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations;

"2. Requests the Security Council to take note of this determination by the General Assembly with respect to the application of Vietnam."

D

"The General Assembly,

"Noting that, on 19 September 1952, ten members of the Security Council supported a draft resolution recommending the admission of Cambodia to the United Nations, but that no recommendation was made to the General Assembly because of the opposition of one permanent member,

"Deeming it important to the development of the United Nations that all applicant States which possess the qualifications for membership set forth in Article 4 of the Charter should be admitted,

"1. Determines that Cambodia is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter and should therefore be admitted to membership in the United Nations;

"2. Requests the Security Council to take note of this determination by the General Assembly with respect to the application of Cambodia,"

"The General Assembly,

"Noting that, on 19 September 1952, ten members of the Security Council supported a draft resolution recommending the admission of Laos to the United Nations, but that no recommendation was made to the General Assembly because of the opposition of one permanent member,

"Deeming it important to the development of the United Nations that all applicant States which possess the qualifications for membership set forth in Article 4 of the Charter should be admitted,

"1. Determines that Laos is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter and should therefore be admitted to membership in the United Nations;

"2. Requests the Security Council to take note of this determination by the General Assembly with respect to the application of Laos."

"The General Assembly,

"Considering that the application of Libya for admission to the United Nations is still pending before the Security Council,

"Deeming it important to the development of the United Nations that all applicant States which possess the qualifications for membership set forth in Article 4 of the Charter should be admitted,

"1. Determines that Libya is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations;

"2. Requests the Security Council to take note of this determination by the General Assembly with respect to the application of Libya."

"The General Assembly,

"Considering that the application of Jordan for admission to the United Nations is still pending before the Security Council,

"Deeming it important to the development of the United Nations that all applicant States which possess the qualifications for membership set forth in Article 4 of the Charter should be admitted,

"1. Determines that Jordan is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations;

"2. Requests the Security Council to take note of this determination by the General Assembly with respect to the application of Jordan."

R. OTHER MATTERS PLACED ON THE AGENDA OF THE SEVENTH SESSION OF THE GENERAL ASSEMBLY BUT NOT CONSIDERED DURING 1952[102]

1. Measures to Avert the 'Threat of a New World War and Measures to Strengthen Peace and Friendship among the Nations

In a letter dated 18 October 1952 (A/2229), the representative of Poland requested the inclusion in the agenda of the seventh session of the General Assembly of an item entitled: "Measures to avert the threat of a new world war and measures to strengthen peace and friendship among the nations."

At its 386th plenary meeting on 21 October 1952, the General Assembly decided to include the item in the agenda of its seventh session and to refer it to the First Committee. Consideration of the item was postponed to the second part of the seventh session.

[102] These items were discussed at the second part of the seventh session in 1953. They will therefore be dealt with in the 1953 Yearbook, when a summary of the explanatory memoranda will be given.

2. Complaint of United States Interference in the Internal Affairs of Other States

By a letter dated 15 October 1952 (A/2224/-Rev.l), the representative of Czechoslovakia requested that the following question should be included in the agenda of the seventh session of the General Assembly: "Interference of the United States of America in the internal affairs of other States as manifested by the organization on the part of the Government of the United States of America of subversive and espionage activities against the Union of Soviet Socialist Republics, the People's Republic of China, the Czechoslovak Republic and other People's Democracies".

At its 380th plenary meeting on 16 October 1952, the General Assembly decided to include this question in the agenda of its seventh session. At its 382nd meeting on 17th October, the Assembly referred the item to the First Committee for consideration and report. Consideration of the item was deferred to the second part of the seventh session.

3. Greek Complaint Concerning Failure to Repatriate Members of Its Armed Forces

By letter dated 23 September 1952 (A/2204), the representative of Greece requested the inclusion of the following item in the provisional agenda of the seventh session of the General Assembly: Complaint of "non-compliance of States still detaining members of the Greek armed forces with the provisions of resolution 382 A (V), adopted by the General Assembly on 1 December 1950,[103] recommending 'the repatriation of all those among them who express the wish to be repatriated'."

At its 380th meeting on 16 October 1952, the General Assembly decided to include the question in the agenda of the seventh session and subsequently referred it to the Ad Hoc Political Committee for consideration and report. The item was not discussed during the first part of the seventh session, and at its 406th meeting on 18 December, the General Assembly decided to re-allocate the item to the First Committee, and to consider it at the second part of the session.

S. MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT DISCUSSED

1. Report on the British-United States Zone of the Free Territory of Trieste

By letter dated 30 September 1952 (S/2794), the representatives of the United Kingdom and the United States transmitted to the Security Council the eleventh report on the administration of the British-United States Zone of the Free Territory of Trieste.

The report described steady progress and continuing economic recovery of the Zone. In the industrial field especially good progress was reported in the ship-building industry, where activities were largely concerned with the 96,000-ton ERP construction programme initiated in 1948. Traffic through the port of Trieste was in excess of the record levels of 1950. As part of a programme aiming at increased productivity, extensive improvements were effected at the Aquila refinery, the ILVA steel mill and the jute mill. By the end of the year, sixteen factories were completed or were under construction in the Zaule area as compared to only one factory in 1950.

Unemployment in the Zone showed a slight decrease, the average monthly total of unemployed being 19.1 thousand, approximately one thousand less than in 1950.

European Recovery Programme aid utilized during the year amounted to nearly $10 million, making a total of $37.5 million since the inception of the programme. During the year 1,029 houses or apartments were completed. The report stated that in pursuance of the agreement of 1948, fiscal legislation in the Zone closely followed that of Italy, and in 1951, as in previous years, the Italian Government met the deficit in the Zone's budget.

2. USSR Note to the United Kingdom and the United States concerning Trieste

By letter dated 3 July 1952 (S/2692) the delegation of the USSR requested that the text of the USSR note of 24 June 1952 to the Governments of the United Kingdom and the United States be circulated to Member States.

The note referred to a Memorandum of Understanding between the latter two Governments and

[103] For text of this resolution, see Y.U.N., 1950, p. 381.

Italy, published on 10 May 1952, according to which Italy was to be given a share in the administration of Zone A of the Free Territory of Trieste. The Soviet note protested against a provision in that agreement by which the United Kingdom and the United States troops would retain all powers of Government in the Zone. The agreement, it was said, was aimed at violating further the provisions of the Italian Peace Treaty relating to Trieste and was an attempt to perpetuate the military occupation of the zone for strategic purposes.

The note also referred to an earlier USSR communication of 17 November 1951 to the Governments of France, the United Kingdom and the United States stressing the necessity of fulfilling their obligations under the Italian Peace Treaty specially as regards the withdrawal of foreign troops, the liquidation of "Anglo-American" bases and the appointment of a Governor. In that note, the USSR had objected against reported plans of partitioning the Free Territory of Trieste between Italy and Yugoslavia, stating that the partition was intended to further the military plans of the "aggressive Atlantic bloc".

3. Communication Received from the Organization of American States

By letter dated 17 January 1952 (S/2494), addressed to the Secretary-General, the acting Chairman of the Inter-American Peace Committee brought to the knowledge of the Security Council the records of the Committee's special session, held on 25 December 1951. The records included the text of a declaration, signed by the Governments of the Republic of Cuba and the Dominican Republic, which indicated that the differences between the two Governments had been satisfactorily and amicably settled. (The differences related to the arrest and sentencing by the Dominican Republic authorities of five Cuban members of the crew of a Guatemalan vessel proceeding from a port in Cuba to one in Guatemala.)

The Council also received several other communications from the Cuban and Dominican Republic relating to the action of the Committee in the above matter, (S/2460, S/2480, S/2495, S/2511).